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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 51, No. 175
Wednesday, September 10, 1986

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Freedom of Information Act Implementing Regulations

AGENCY: Office of the Secretary, USDA.
ACTION: Final rule.

SUMMARY: This notice sets forth the revisions to the Department of Agriculture's regulations (7 CFR Part 1, Subpart A) implementing the Freedom of Information Act (FOIA). The regulations as proposed were published in the **Federal Register** on March 6, 1986, at 51 FR 7799.

The revisions to those regulations are the result of comments received in the Department during the public comment period and are intended to simplify and clarify the Department's guidelines for assisting the public in accessing information, promoting consistency in obtaining access, rendering additional assistance to Department agencies, establishing clear-cut business notification procedures, and assessing product and service fees. The **"SUPPLEMENTARY INFORMATION"** below provides a detailed explanation of the revisions.

DATE: The regulations become effective October 10, 1986.

FOR FURTHER INFORMATION CONTACT: Milton Sloane, U.S. Department of Agriculture, Office of Governmental and Public Affairs, Office of Information, Special Programs Division, Washington, DC 20250; (202) 447-8164.

SUPPLEMENTARY INFORMATION: This rule does not constitute a "major rule" within the meaning of Executive Order No. 12291 (Improving Government Regulations) nor will these regulations cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

I. Analysis of Comments

A total of six comments was postmarked or received within the comment period as extended. Comments were received from the following:

- Law offices of McGrath, North, O'Malley & Kratz, P.C.
- Law offices of Preston, Ellis & Holman
- Forest Service, USDA
- Office of Governmental and Public Affairs, USDA
- National Forest Products Association
- Law offices of Saltman & Stevens, P.C.

Comments requesting an extension of time for the public comment period which was scheduled to expire on April 7, 1986, were also received from the National Forest Products Association and the law firm of Saltman & Stevens, P.C. By notice in the **Federal Register** (51 FR 11930, dated April 8, 1986), the initial comment period was extended to April 21, 1986. Following is an analysis of the comments.

1. Agency implementing regulations (proposed § 1.3). One commenter suggested that each USDA agency be required to write its implementing regulations in a manner promoting uniformity both within and among Department agencies. The commenter also suggested that § 1.3 include a review system by which the Assistant General Counsel would review each agency's regulations before they become final.

As a matter of course, currently, all notices or regulations destined for publication in the **Federal Register** and which outline agency policy and procedures are reviewed by the Office of the General Counsel, as well as by other Department agencies. Turning to the commenter's first suggestion, the Department notes that the very essence of § 1.3 (indeed, of the entire regulations) is to foster uniformity by requiring publication of standardized information regarding the locations and operating hours of offices where individuals may access agency records, the titles and mailing addresses of officials responsible for acting on initial requests and appeals, the officials responsible for making discretionary releases of information, as well as other data for accessing information.

2. Public access to certain materials (proposed § 1.5). One commenter suggested that § 1.5 be amended to set forth guidelines on what is and is not releasable under the FOIA.

The Department believes the FOIA quite clearly establishes the parameters for the types of data which may or may not be released under the Act, and which effectively standardize the manner in which agencies must operate. Further, since many exempt documents may be released by agency discretion, it would be inappropriate to denominate "non-releasable" documents. It is, therefore, this Department's decision that § 1.5 stand as proposed, and that requesters pursue existing procedures in accessing USDA documents.

3. Requests for records (proposed § 1.6(h)). One commenter suggested that the phrase "and address" be deleted from this section on the basis that the information would increase some agencies' workload and would lead to an unwarranted invasion of personal privacy.

While there is some disagreement with that argument, § 1.6(h) has been amended by deletion of the phrase "and address" for the benefit of agencies not wishing or needing that information.

4. Agency response to requests for records (proposed § 1.7). One commenter suggested adding a new § 1.7(g) to indicate that "where a requester has previously failed to pay a fee charged under this part, the requester must pay the agency the full amount owed and make an advance deposit of the estimated fee before an agency shall be required to process a new request or a pending request from that requester."

Rather than add a whole new section as suggested, the Department has amended proposed § 1.7(d) to incorporate the commenter's suggestion. The second sentence of § 1.7(d) is amended to read: "It may, in accordance with Appendix A of this subpart, require payment of the entire fee, or a portion thereof, or full payment of a delinquent fee, before it provides the requested records."

5. Handling information from a private business (proposed § 1.8). Generating the most comments on the proposed regulations was this section on the business notification process. These comments generally suggested that the proposed notification procedure be

made mandatory and be expanded to include all requests for such information regardless of the ability of the Department to "readily determine" whether to release the information.

Careful consideration was given to each comment and the comments as a whole. The Department has decided to change the notification procedures from a discretionary procedure to a mandatory one in certain cases. The Department has decided to retain the ability not to notify submitters of information of FOIA requests when it is readily determined that the information either should not be disclosed or should be released. While the overall policy of the Department is to notify the submitters of such requests and to seek their views, it is the responsibility of the Department under the FOIA to make the final determination with regard to the disclosure or nondisclosure of information submitted by a business. Therefore, in those circumstances where the Department has no doubts as to the nature of the determination it is obliged to make under the law, the notification procedures to submitters will remain discretionary. Specific comments follow:

(a) One commenter suggested amending § 1.8(a) to require an agency to notify a business of, and allow the business to respond to, any request for business information generated by an agency.

Under the regulations as proposed, agencies would only have to give notice in cases where business information is submitted to an agency. The commenter's suggestion would require notice for business information generated by an agency. Given the language of the FOIA, and existing case law, the Department has decided to limit the business notification process strictly to information submitted to an agency.

(b) One commenter suggested that § 1.8 be expanded to require agencies to notify submitters of business data of any request for information that:

(1) The submitter has specifically designated as confidential; or

(2) Was submitted to the agency under compulsion of a statute, regulation, or contract; or

(3) The government has assured it will hold in confidence; or

(4) Is subject to a statutory, regulatory, or contractual requirement of reasonable notice to the submitter prior to its disclosure.

As stated above, the Department has decided not to adopt the suggestions to expand the notification procedures. It is the USDA view that the mandatory provisions of § 1.8 supply ample protection to the business information submitter. All the factors covered by the suggestions would be considered in the agency review of the information when deciding whether a ready determination not to disclose or to release could be made.

(c) One commenter requested that USDA "obtain and consider the views of the submitter of business information, as well as provide an opportunity to object, even in cases where the agency believes it can readily make a determination as to the disclosure or nondisclosure of information."

The comment refers to § 1.8(a)(1). The Department has determined that such a system would be unduly burdensome in instances where the decision to release or not to disclose may be "readily determined." Business information submitters should not interpret "readily determined" as indicating any laxity in the decisionmaking process or any failure to consider potential harm to submitters' positions.

(d) One commenter suggested that § 1.8(a) be amended to read: "Where the USDA receives a request for information submitted by a business, all agencies of the Department should:

(1) Provide the business information submitter with prompt notification of the request. Afford the submitter time in which to present its views and any objections to the request prior to the agency decision;

(2) Notify the requester of the need to inform the submitter of the request for submitted business information and of the submitter's appeal process;

(3) After making a final determination to disclose, notwithstanding the objection of the submitter, provide the business information submitter notification of what the agency intends to disclose, and a ten [10] day period prior to any actual disclosure within which it may take any additional efforts to protect its data from disclosure."

The mandatory provisions of § 1.8 already cover these suggestions, with the exceptions that not every request will require notification of submitters and time limits for notification are not specified. The decision not to notify submitters of every request is discussed in comments (b) and (c) above. The decision not to specify time limits is based upon the lack of any authorized extensions in the FOIA for notifying submitters. The commenter's suggestions were not incorporated.

(e) One commenter requested that the word "should" in § 1.8(a) be changed to "shall" to make it mandatory for agencies to perform the tasks set out in § 1.8(a)(1) through § 1.8(a)(5).

Section 1.8(a) is so amended, despite the fact that the provisions under § 1.8 are not statutorily mandated.

(f) One commenter requested that § 1.8(a)(1) be amended to require agencies to notify business data submitters of a request for information which at the time of submission was identified as sensitive or confidential.

As noted in the response to comment (b), above, confidentiality markings would be considered in the agency review of the information when deciding whether a ready determination not to disclose or to release could be made.

(g) One commenter suggested that the phrase "privileged and confidential," in § 1.8(a) be changed to "privileged or confidential."

Section 1.8(a) is so amended. Use of the conjunction "or" is consistent with the test of exemption in 5 U.S.C. 552(b)(4).

(h) Two commenters suggested that the proposed test in § 1.8(a)(1) as to when an agency need not notify submitters of requests for submitted data be changed from "readily determined" to "clearly apparent."

The Department believes that a standard of "readily determined" is more appropriate for an agency decision regarding the release or nondisclosure of documents, than is a standard of "clearly apparent." The standard will remain unchanged.

6. Compulsory process (proposed § 1.18). One commenter requested that agencies notify a business information submitter of any compulsion or demand (subpoena, order, or other compulsory process) for that information, whether or not the government is a party to litigation seeking disclosure.

In keeping with the provisions of § 1.8 of this subpart, that section is amended by adding the following after the word "request" in the third sentence of § 1.8(a): "(including any "demand" as defined in § 1.18)". This will make clearer that USDA agencies are required to follow the provisions of § 1.8 when a § 1.18 "demand" is made for business submitted information.

7. General photographic reproduction prices (proposed § 15(b), Appendix A). One commenter suggested deleting the second sentence which read: "All sizes are approximate." The commenter also noted that a portion of the fee schedule printed in this proposed section was incorrect. The commenter submitted a list of corrected rates for inclusion in these final regulations.

The sentence referred to has been deleted, and the revised rates have been adopted.

II. Other Change

One other change has been made in the proposed regulations:

- The room number for the Photography Division in proposed section 10(b) Appendix A has been changed. The new room number is 4407 South Building.

List of Subjects in 7 CFR Part 1

Freedom of Information

7 CFR Part 1, Subpart A is revised to read as follows:

PART 1—ADMINISTRATIVE REGULATIONS

Subpart A—Official Records

Sec.

Authority: 5 U.S.C. 301 and 552. Appendix A also issued under 7 U.S.C. 2244; 31 U.S.C. 9701, and 7 CFR 2.75(a)(6)(xiii).

Subpart A—Official Records

§ 1.1 Purpose and scope.

This subpart establishes policy, procedures, requirements, and responsibilities for administration and coordination of the Freedom of Information Act (FOIA), 5 U.S.C. 552, pursuant to which official records may be obtained by any person. It also provides rules pertaining to the disclosure of records pursuant to compulsory process. This subpart also serves as the implementing regulations (referred to in § 1.3, "Agency implementing regulations") for the Office of the Secretary (the immediate offices of the Secretary, Deputy Secretary, Under Secretaries and Assistant Secretaries) and for the Office of Governmental and Public Affairs. The Office of Governmental and Public Affairs has the primary administrative responsibility for the FOIA in the Department of Agriculture (USDA). The term "agency" or "agencies" is used throughout this subpart to include both USDA program agencies and staff offices.

§ 1.2 Policy.

(a) Agencies of USDA shall comply with the time limits set forth in the FOIA for responding to and processing requests and appeals for agency documents, unless there are exceptional circumstances within the meaning of 5 U.S.C. 552(a)(6)(B). An agency shall notify a requester whenever it is unable to respond to or process a request or appeal within the time limits established by the FOIA.

(b) All agencies of the Department shall comply with the fee schedule provided as Appendix A of this regulation, with regard to the charging of fees for providing copies of documents and related services to requesters.

§1.3 Agency implementing regulations.

(a) Each agency of the Department shall promulgate regulations setting forth the following:

(1) The location and hours of operation of the agency office or offices where members of the public may gain access to those materials required by § 1.5 to be made available for public inspection and copying.

(2) Information regarding the publication and distribution (by sale or otherwise of indexes and supplements thereto which are maintained in accordance with the requirements of 5 U.S.C. 552(a)(2) and § 1.5(b).

(b) The title(s) and mailing address(es) of the official(s) of the agency who is/are authorized to receive requests for records submitted in accordance with § 1.6(a), and to make determinations regarding whether to grant or deny such requests. Authority to make such determinations includes authority to:

(1) Extend the 10-day administrative deadline for reply pursuant to §1.11;

(2) Make discretionary releases pursuant to § 1.14(b); and

(3) Make determinations regarding the charging of fee pursuant to Appendix A of this subpart.

(c) The title and mailing address of the official of the agency who is authorized to receive appeals from denials of requests for records submitted in accordance with § 1.6(e) and to make determinations regarding whether to grant or deny such appeals. Authority to determine appeals includes authority to:

(1) Extend the 20-day administrative deadline for reply pursuant to § 1.11 (to the extent the maximum extension authorized by § 1.11(c) was not used with regard to the initial request);

(2) Make discretionary releases pursuant to § 1.14(b); and

(3) Make determinations regarding the charging of fees pursuant to Appendix A of this subpart.

(d) Other information which would be of concern to a person wishing to request records from that agency in accordance with this subpart.

§ 1.4 Implementing regulations for the Office of the Secretary.

For the Office of the Secretary and for the Office of Governmental and Public Affairs, the information required by § 1.3 is as follows:

(a) Records available for public inspection and copying may be obtained in Room 547–A, Administration Building, USDA, Washington, DC 20250 during the hours of 8:45 a.m. to 5:15 p.m.

(b) Any indexes and supplements which are maintained in accordance with the requirements of 5 U.S.C. 552(a)(2) and § 1.5(b) will also be available in Room 547–A, Administration Building, USDA, Washington, DC 20250 during the hours of 8:45 a.m. to 5:15 p.m.

(c) The person authorized to receive FOIA requests and to determine whether to grant or deny such requests is the Director of Information, Office of Governmental and Public Affairs, USDA, Washington, DC 20250.

(d) The official authorized to receive appeals from denials of FOIA requests and to determine whether to grant or deny such appeals is the Deputy Assistant Secretary for Governmental and Public Affairs, USDA, Washington, DC 20250.

§ 1.5 Public access to certain materials.

(a) In accordance with 5 U.S.C. 552(a)(2), each agency within the Department shall make the following materials available for public inspection and copying (unless they are published and copies offered for sale):

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretation which have been adopted by the agency and are not published in the **Federal Register**; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) Each agency of the Department shall also maintain and make available current indexes providing identifying information regarding any matter issued, adopted, or promulgated after July 4, 1967, and required by paragraph (a) of this section to be made available or

published. Each agency shall publish and make available for distribution copies of such indexes and supplements thereto at least quarterly, unless it determines by Notice published in the **Federal Register** that publication would be unnecessary and impracticable. After issuance of such Notice, the agency shall provide copies of any index upon request at a cost not to exceed the direct cost of duplication.

§ 1.6 Requests for records.

(a) Any person who wishes to inspect or obtain copies of any record of any agency of the Department shall submit a request in writing and address the request to the official designated in regulations promulgated by the agency. The requester may in his or her petition ask for a fee waiver if there is likely to be a charge for the requested information. To inspect or obtain copies of records of the Office of the Secretary or the Office of Governmental and Public Affairs, requesters should submit their requests to the Director of Information, Office of Governmental and Public Affairs, U.S. Department of Agriculture, Washington, DC 20250. All such requests for records shall be deemed to have been made pursuant to the Freedom of Information Act, regardless of whether that Act is specifically mentioned. To facilitate processing of a request, the phrase "FOIA REQUEST" should be placed in capital letters on the front of the envelope.

(b) A request must reasonably describe the records to enable agency personnel to locate them with reasonable effort. Where possible, a requester should supply specific information regarding dates, titles, etc., which may help identify the records. If the request relates to a matter in pending litigation, the court and its location should be identified.

(c) If an agency determines that a request does not reasonably describe the records, it shall inform the requester of this fact and extend the requester an opportunity to clarify the request or to confer promptly with knowledgeable agency personnel to attempt to identify the records he or she is seeking. The "date of receipt" in such instances, for purposes of § 1.9(a), shall be the date of receipt of the amended or clarified request.

(d) Nothing in this subpart shall be interpreted to preclude an agency from honoring an oral request for information, but, if the requester is dissatisfied with the response, the agency official involved shall advise the requester to submit a written request in accordance with paragraph (a) of this section. The "date of receipt" of such a request for purposes of § 1.9(a) shall be the date of receipt of the written request. For recordkeeping purposes, an agency responding to an oral request for information may ask the requester to also submit his or her request in writing.

(e) If a request for records made under this subpart is denied, the person making the request shall have the right to appeal the denial. This appeal must be in writing and addressed to the official designated in regulations promulgated by the agency which denied the request. To facilitate processing of an appeal, the phrase "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

(f) Requests that are nonagency-specific, i.e., are not addressed to a specific agency in USDA, or which pertain to more than one USDA agency or which are sent to the wrong agency of USDA, should be forwarded to the Department's central processing unit for FOIA in the Office of Governmental and Public Affairs, Office of Information, Special Programs Division, U.S. Department of Agriculture, Washington, DC 20250.

(g) The central processing unit will determine which agency or agencies should process the request, and, where necessary, refer the request to the appropriate agency (agencies). The unit will also notify the requester of the referral and of the name of each agency to which the request has been referred.

(h) Each agency shall develop and maintain a record of all written and oral requests and appeals received in that agency, which shall include, in addition to any other information, the name of the requester, brief summary of the information requested, an indication of whether the request or appeal was denied or partially denied, the exemption(s) for making any denials, and the amount of fees associated with the request or appeal.

§ 1.7 Agency response to requests for records.

(a) 5 U.S.C. 552(a)(6)(A)(i) provides that each agency of the Department to which a request for records or a fee waiver is submitted in accordance with § 1.6(a) shall inform the requester of its determination concerning that request within 10 days of its date of receipt (excepting Saturdays, Sundays, and legal public holidays), plus any extension authorized under § 1.11. If the agency determines to grant the request, it shall inform the requester of any conditions surrounding the granting of the request (e.g., payment of fees) and the approximate date upon which compliance will be effected. If it grants only a portion of the request, it shall treat the portion not granted as a denial. If the agency determines to deny the request in part or in whole, it shall immediately inform the requester of that decision and of the following:

(1) The reasons for the denial;

(2) The name and title or position of each person responsible for denial of the request;

(3) The requester's right to appeal such denial and the title and address of the official to whom such appeal is to be addressed; and

(4) The requirement that such appeal be made within 45 days of the date of the denial.

(b) If the reason for not fulfilling a request is that the records requested are in the custody of another agency outside USDA, the agency shall inform the requester of this fact and shall forward the request to that agency or Department for processing in accordance with its regulations. If the agency has no knowledge of requested records or if no records exist, the agency shall notify the requester of that fact.

(c) 5 U.S.C. 552(a)(6)(A)(ii) provides that each agency in the Department to which appeal of a denial is submitted in accordance with § 1.6(e) shall inform the requester of its determination concerning that appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays), plus any extension authorized by § 1.11, of its date of receipt. If the agency determines to grant the appeal, it shall inform the requester of any conditions surrounding the granting of the request (e.g., payment of fees) and the approximate date upon which compliance will be effected. If it grants only a portion of the appeal, it shall treat the portion not granted as a denial. If it determines to deny the appeal either in part or in whole, it shall inform the requester of that decision and of the following:

(1) The reasons for denial;

(2) The name and title or position of each person responsible for denial of the appeal; and

(3) The right to judicial review of the denial in accordance with 5 U.S.C. 552(a)(4).

(d) If in compliance with the request a charge is to be made in accordance with Appendix A of this subpart, the agency's response shall inform the requester of the amount and basis for the charge. It may, in accordance with Appendix A of this subpart, require payment of the entire fee, or a portion thereof, or full payment of a delinquent fee before it provides the requested records. In instances where a requester refuses to

remit payment in advance, an agency may likewise refuse to process the request with written notice to that effect forwarded to the requester. The "date of receipt" of a request for which advance payment has been required shall be the date that payment is received.

(e) In the event compliance with the request involves inspection of records by the requester rather than the forwarding of copies, the agency response shall include the name, mailing address, and telephone number of the person to be contacted to arrange a mutually convenient time for such inspection.

(f) In the event the records requested contain some portions which are exempt from mandatory disclosure and others which are not, the official responding to the request shall insure that all nonexempt portions are disclosed, and that all exempt portions are identified according to the nature of information contained and the specific exemption or exemptions which are applicable.

§ 1.8 Handling information from a private business.

(a) The USDA is responsible for making the final determination with regard to the disclosure or nondisclosure of information submitted by a business. When, in the course of responding to an FOIA request, an agency cannot readily determine whether the information obtained from a person is privileged or confidential business information, the policy of USDA is to obtain and consider the views of the submitter of the information and to provide the submitter an opportunity to object to any decision to disclose the information. Whenever a request (including any "demand" as defined in § 1.18) is received in USDA for information which has been submitted by a business, all agencies of the Department shall:

(1) Provide the business information submitter with prompt notification of a request for that information (unless it is readily determined by the agency that the information requested should not be disclosed or, on the other hand, that the information is not exempt by law from disclosure).

(2) Notify the requester of the need to inform the submitter of a request for submitted business information.

(3) Afford business information submitters time in which to object to the disclosure of any specified portion of the information. The submitter must explain fully all grounds upon which disclosure is opposed. For example, if the submitter maintains that disclosure is likely to cause substantial harm to its competitive position, the submitter must explain item-by-item why disclosure would cause such harm. Information provided by a business submitter pursuant to this paragraph may itself be subject to disclosure under FOIA.

(4) Provide business information submitters with notice of any determination to disclose such records prior to the disclosure date, in order that the matter may be considered for possible judicial intervention.

(5) Notify business information submitters promptly of all instances in which FOIA requesters bring suit seeking to compel disclosure of submitted information.

§ 1.9 Date of receipt of requests or appeals.

(a) The date of receipt of a request or appeal, which contains the phrase FOIA REQUEST or FOIA APPEAL and is addressed in accordance with applicable agency regulations, shall be the date it is received in the office responsible for the administrative processing of FOIA requests or appeals.

(b) The date of receipt of a request or appeal which is hand-delivered to the address specified in agency regulations shall be the date of such hand-delivery.

(c) The date of receipt of a request or appeal which does not comply with paragraphs (a) or (b) of this section shall be the date it is received by the official designated in agency regulations to make the applicable determination.

§ 1.10 Appeals.

(a) Each agency shall provide for review of appeals by an official different from the official or officials designated to make initial denials.

(b) Each agency, upon a determination that it wishes to deny an appeal, shall send a copy of the records requested and of all correspondence relating to the request to the Assistant General Counsel, Research and Operations Division, Office of the General Counsel. When the volume of records is so large as to make sending a copy impracticable, the agency shall enclose an informative summary of those records. The agency shall not deny an appeal until it receives concurrence from the Assistant General Counsel.

(c) The Assistant General Counsel shall promptly review the matter (including necessary consultation with the Department of Justice and coordination with the Office of Governmental and Public Affairs) and render all necessary assistance to enable the agency to respond to the appeal within the administrative deadline or any extension thereof.

§ 1.11 Extension of administrative deadlines.

(a) In unusual circumstances as specified in this section, either of the administrative deadlines prescribed in § 1.7 may be extended by an authorized agency official. Written notice of the extension shall be sent to the requester within the applicable deadline, setting forth the reasons for such extension and the date a determination is expected to be dispatched. In no event shall the extension exceed a total of 10 working days.

(b) As used in this section, "unusual circumstances" shall be limited to the following:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; and

(3) The need for consultation, which shall be conducted with all practicable speed, with another Department or agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(Note: consultation regarding policy or legal issues between an agency and the Office of the General Counsel, Office of Governmental and Public Affairs, or the Department of Justice is not a basis for extension under this section.)

(c) The 10-day extension authorized by this section may be divided between the initial and appellate reviews, but in no event shall the total extension exceed 10 working days.

(d) Nothing in this section shall preclude the agency and the requester from agreeing to an extension of time. Any such agreement shall be confirmed in writing and shall specify clearly the total time agreed upon.

§ 1.12 Failure to meet administrative deadlines.

In the event an agency fails to meet either of the administrative deadlines set forth in § 1.7, plus any extension authorized by § 1.11, it shall notify the requester, state the reasons for the delay, and the date by which it expects to dispatch a determination. Although the requester may be deemed to have exhausted his or her administrative remedies under 5 U.S.C. 552(a)(6)(C), the agency shall continue processing the request as expeditiously as possible and dispatch the determination when it is

reached in the same manner and form as if it had been reached within the applicable deadline.

§ 1.13 Fee schedule.

Pursuant to authority delegated in § 2.75 of this title, the Director, Office of Finance and Management, has issued regulations, following notice and public comment, setting forth a uniform schedule of fees applicable to all agencies of the Department regarding requests for records under this subpart. (See Appendix A of this subpart.) Any amendments thereto will be made by the Director pursuant to notice and opportunity for comment. Said regulations provide reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such duplication. The regulations provide that documents may be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 1.14 Exemptions and discretionary release.

(a) All agency records, except those specifically exempted from mandatory disclosure by one or more provisions of 5 U.S.C. 552(b), shall be made promptly available to any person submitting a request under this subpart.

(b) Except where disclosure is specifically prohibited by Executive Order, statute, or applicable regulations, an agency may release records exempt from mandatory disclosure under 5 U.S.C. 552(b) whenever it determines that such disclosure would be in the public interest.

§ 1.15 Annual report.

(a) Each agency of the Department shall compile the following information for each calendar year:

(1) The number of determinations made by such agency not to comply with initial requests for records made to it under § 1.6(a), and the reasons for each such determination;

(2) The number of appeals made by persons under § 1.7(d), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) The name and title or position of each person responsible for the denial of records requested under this subpart and the number of instances of participation for each;

(4) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) A copy of every rule made by the agency regarding this subpart;

(6) The total amount of fees collected by the agency for making records available under this subpart; and

(7) Such other information as indicates efforts to administer fully this subpart.

(b) Each agency shall compile the information required by paragraph (a) of this section for the preceding calendar year into a report and submit this report to the Director of Information, Office of Governmental and Public Affairs, by February 1 of each year.

(c) The Director of Information shall combine the reports from the various agencies within USDA into a Departmental report, and shall arrange for submission of this report to the President of the Senate and the Speaker of the House of Representatives by March 1 of each year in accordance with 5 U.S.C. 552(d).

§ 1.16 Compilation of new records.

Nothing in 5 U.S.C. 552 or this subpart requires that any agency compile a new record in order to fulfill a request for records. Such compilation may be undertaken voluntarily if the agency determines this action to be in the public interest.

§ 1.17 Authentication.

When a request is received for an authenticated copy of a document which the agency determines to make available to the requesting party, the agency shall cause a correct copy to be prepared and sent to the Office of the General Counsel which shall certify the same and cause the seal of the Department to be affixed, except that the Hearing Clerk may authenticate copies of documents in the records of the Hearing Clerk.

§ 1.18 Compulsory process.

(a)(1) In any case where it is sought by subpoena, order, or other compulsory process (hereinafter in this section referred to as a "demand") to require the production or disclosure of any record or material which is exempt from disclosure under 5 U.S.C. 552(b) or information related thereto acquired by an employee of this Department in the performance of his or her official duties, the matter shall be referred to an official authorized by agency regulations to make releases pursuant to § 1.14(b). For the Office of the Secretary and for the Office of Governmental and Public Affairs, this official is the Deputy Assistant Secretary for Governmental and Public Affairs.

(2) Such official may authorize release. However, if such official determines that it would be improper to comply with the demand, the official shall refer it to the agency head. The agency head may authorize release; however, if the agency head concurs with the initial conclusion, the matter shall be referred to the Secretary through the General Counsel for final determination.

(3) If the Secretary determines that the records, material, or information should not be produced, or if no final determination has been made, the employee shall be notified not to produce or disclose the records. The employee who appears in answer to the demand shall respectfully decline to produce or disclose the records, material, or information demanded on the ground that the disclosure is prohibited by this section. The employee shall provide the court or other authority with a copy of this subpart and a copy (when available) of the Secretary's determination, and shall respectfully request the court or other authority to withdraw or stay the demand.

(b)(1) Whenever a demand of the type described in paragraph (a) of this section is made upon an employee of this Department not authorized to make releases pursuant to § 1.14(b), by a court or other authority while he/she is appearing before, or is otherwise in the presence of the court or other authority, the employee, or other appropriate Government official or attorney acting on behalf of the employee, shall (i) immediately inform the court or other authority that this section prohibits the employee from producing or disclosing the information or material demanded and (ii) offer to refer the demand for the prompt consideration of authorized officials, providing the court or other authority a copy of this subpart and respectfully requesting that the demand be stayed pending his/her receipt of appropriate instructions concerning the demand.

(2) If the employee is authorized to make a release pursuant to § 1.14(b), but determines that such release would be improper, the employee shall offer to refer the demand for the prompt consideration of the agency head and/or Secretary and shall otherwise comply with paragraph (b)(1)(ii) of this section.

(c) If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with paragraphs (a) or (b) of this section pending the receipt by the

employee of instructions or directions, or if the court or other authority rules adversely on any assertion made in conformity with the provisions of this subpart, the employee upon whom the demand has been made may tender the records, material, or information demanded with a request they be held in camera until an appeal can be taken from the adverse ruling.

§ 1.19 Records in formal adjudication proceedings.

Records in formal adjudication proceedings are on file in the Hearing Clerk's office, Office of Information Resources Management, U.S. Department of Agriculture, Washington, DC 20250, and shall be made available to the public.

Appendix A—Fee Schedule

Sec. 1. *General.* This schedule sets forth fees to be charged for providing copies of records, including photographic reproductions, microfilm, maps and mosaics, and related services. The fees set forth in this schedule are applicable to all agencies of the Department of Agriculture.

Sec. 2. *Facilities.* Records and related services are available at the locations specified by the agencies in their statements of procedures to facilitate public inspection and copying of their records. Any material offered for sale by the Government Printing Office should be purchased from that source. Departmental agencies will not stock such material for public sale. Agencies do not stock copies of forms and publications or maintain records at any facility which does not require these materials in its operations.

Sec. 3. *Fees for materials and services.* All agencies of the Department shall comply with the fees set forth herein. Any changes or additions to this fee schedule shall be made by amendment to or revision of this schedule.

Sec. 4. *Fees for records and related services.*

a. The fee for photocopies of pages 8½" x 14" or smaller shall be $0.10 for the first copy and $0.10 for each additional copy of the same page.

b. The fee for photocopies larger than 8½" x 14" shall be $0.25 per linear foot of the longest side of the copy.

c. Manual searches will be charged for at the rate of $8.00 per hour for clerical time and $14.60 per hour for supervisory or professional time. Charges will be computed to the nearest quarter hour required for the search. A search may involve both clerical and supervisory or professional time.

d. Other direct costs incurred will be assessed the requester at the actual cost to the Government, e.g., where records are required to be shipped from one office to another by commercial carrier in order to timely answer the request, the actual freight charge will be assessed the requester.

e. Computer services will be charged for at the rates established in the Users Manual or Handbook published by the computer center at which the work will be performed, except that where commercial time-sharing computer sources are the required search media, the contract rate charged by the commercial source to the Government will be charged. A listing follows showing where those rates are published and the office from which copies may be obtained or at which the rates may be examined.

Fort Collins Computer Center Users Manual: Fort Collins Computer Center, U.S. Department of Agriculture, 3825 East Mulberry Street (P.O. Box 1206), Fort Collins, Colo. 80521.

National Finance Center, Cost, Productivity & Analysis Section, U.S. Department of Agriculture, 13800 Old Gentilly Road, New Orleans, La. 70129.

Kansas City Computer Center Users Manual: Kansas City Computer Center, U.S. Department of Agriculture, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo. 64141.

Washington Computer Center Users Handbook: Washington Computer Center, U.S. Department of Agriculture, Room S–100, South Building, 12th Street and Independence Avenue, S.W., Washington, D.C. 20250.

St. Louis Computer Center. Charges for the St. Louis Computer Center will be based on actual expenses incurred in performing the search. Address is: St. Louis Computer Center, U.S. Department of Agriculture, 1520 Market Street, St. Louis, Mo. 63103.

f. The fees do not include, and no charge shall be made for, (a) time spent examining records to determine whether an exemption can and should be asserted, (b) time spent deleting exempt matter being withheld from records to be furnished, (c) time spent in resolving legal or policy issues, or (d) time spent in monitoring a requester's inspection of agency records.

g. The fee for Certifications shall be $2.00 each: Authentications under Department Seal (including aerial photographs), $5.00 each.

h. Except as provided in Section 9 below, for services not subject to the Freedom of Information Act and not covered by (g) above, agencies may set their own fees in accordance with applicable law.

i. The fees specified in paragraphs a through f of this Section apply to all requests for services under the Freedom of Information Act, as amended (5 U.S.C. 552), unless no fee is to be charged, or the agency has determined to waive or reduce those fees pursuant to Section 5. No higher fees nor charges in addition to those provided for in this schedule may be charged a party requesting search or duplication services under the Freedom of Information Act.

j. The fees specified in paragraphs g and h of this Section and in Sections 9 through 15 of this schedule apply to requests for services other than those subject to the Freedom of Information Act. The authority for establishment of these fees is at 31 U.S.C. 9701 (formerly 31 U.S.C. 483a) and other applicable laws.

Sec. 5. *Circumstances governing exceptions to the charging of fees for records and related services.* (For photographic reproductions, see Sec. 11 of this Appendix.)

a. *Waiver of fees for records and related services.* Fees may be waived in whole or in part under the following conditions:

(1) Where individual collections are $25.00 or less;

(2) Where the furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization, or comparable fees are set on a reciprocal basis with a foreign country or an international organization;

(3) Where the recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare;

(4) Where the agency determines that payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program involved;

(5) When the furnishing of records and related services is determined by the agency to be in the public interest as primarily benefiting the general public.

(6) In determining whether a fee waiver is appropriate for purposes of paragraph (a)(5) of this Section, an agency should consider the following factors:

(i) Whether there is a genuine public interest in the subject matter of the documents for which a fee waiver or reduction is sought;

(ii) The value to the public of the records themselves;

(iii) Whether the requested information is already available in the public domain;

(iv) The requester's specific qualifications, nature of research, and the purposes for which the requested materials will be used (the identity of a requester is usually not a proper factor to consider in granting or denying access, but should be considered in acting on a request for a fee waiver);

(v) The amount of personal benefit expected to accrue to the requester as the result of disclosure, compared with any discernible public benefit (FOIA fee waiver or reduction is appropriate only where the benefit to the general public is primary).

(7) An agency may, at its discretion, waive or reduce fees associated with a request for disclosure regardless of whether a waiver or reduction has been requested if the agency determines that disclosure will primarily benefit the general public.

b. *Fees not to be charged for records and related services.* Documents shall be furnished without charge under the following conditions:

(1) When filling requests from other Departments or Government agencies for official use, provided quantities requested are reasonable in number;

(2) When members of the public provide their own copying equipment, in which case no copying fee will be charged (although search fees may still be assessed);

(3) When any notices, decisions, orders, or other materials are required by law to be served on a party in any proceedings or matter before any Department agency.

c. Where both paragraphs a and b above apply to a matter, paragraph b shall be controlling.

Sec. 6. *Limitations of copies.*

a. Agencies may restrict numbers of photocopies and directives furnished the public to one copy of each page. Copies of forms provided the public shall also be held to the minimum practical. Persons requiring

any large quantities should be encouraged to take single copies to commercial sources for further appropriate reproduction.

b. Single or multiple copies of transcripts, provided the Department under a reporting service contract, may be obtained from the contractor at a cost not to exceed the cost per page charged to the Department for extra copies. The contractor may add a postage charge when mailing orders to the public but no other charge may be added.

Sec. 7. *Search services.*

a. Search services are services of agency personnel—clerical, supervisory, or professional salary level—used in trying to find the records sought by the requester. They include time spent examining records for the purpose of finding records which are within the scope of the request. They also include services to transport personnel to places of record storage, or records to the location of personnel for the purpose of the search, if such services are reasonably necessary.

b. Because of the nature of the Department's business and records, the normal location of a record in a file or other facility will not be considered a search. This would be the same as quickly locating a piece of material for purposes of answering a letter or telephone inquiry, and is based on the Department's obligation to respond to requests furnishing a reasonably specific description of the record.

Sec. 8. *Payments of fees and charges.*

a. Payments will be collected to the fullest extent possible in advance or at the time the requested materials are furnished.

b. Payment shall be made by check, draft, or money order payable to the Treasury of the United States, but small amounts may be paid in cash, particularly where services are performed in response to a visit to a Department office.

c. Where the estimated fees to be charged exceed $50.00, a deposit of 50 percent of the estimated amount shall be collected from the requester before any of the requested materials are reproduced.

d. Where a request for records indicates the necessity of an extensive search that could result in a high search cost, the requester should be notified of that fact and of the possibility of an unproductive search. The notification should offer the requester the opportunity to confer with agency personnel to reform the request to meet the needs at a lower fee. When an extensive search still appears necessary, unless the agency determines that the request is in the public interest in accordance with Section 5a(5), it shall inform the requester that no search will be undertaken until an agreement to pay applicable fees is received, including a deposit of 50 percent of the estimated fee where appropriate.

Sec. 9. *Photographic reproduction, microfilm, mosaic and maps.* Reproduction of such aerial or other photographic microfilm, mosaic and maps as have been obtained in connection with the authorized work of the Department may be sold at the estimated cost of furnishing such reproductions as prescribed in this schedule.

Sec. 10. *Agencies which furnish photographic reproductions.*

a. *Aerial photographic reproductions.* The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service (ASCS), APFO, USDA-ASCS, 2222 West 2300 South, P.O. Box 30010, Salt Lake City, Utah 84125.

Soil Conservation Service (SCS), USDA, Cartographic Division, Washington, DC 20250, or Cartographic Facility in nearest SCS Technical Service Center.

b. *Other photographic reproductions.* Other types of photographic reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service (ASCS) (Address above).

Forest Service (FS), USDA, P.O. Box 2417, Washington, DC 20013, or nearest Forest Service Regional Office.

Office of Governmental and Public Affairs, USDA, Photography Division, Room 4407 South Building, Washington, DC 20250.

Soil Conservation Service, USDA, Information Division, Audio Visual Branch, Washington, DC 20250.

National Agricultural Library, USDA, Office of the Deputy Director, Technical Information Systems, Room 200, NAL Building, Beltsville, Md. 20705.

Sec. 11. *Circumstances under which photographic reproductions may be provided free.* Reproductions may be furnished free at the discretion of the agency, if it determines this action to be in the public interest, to:

a. Press, radio, television, and newsreel representatives for dissemination to the general public.

b. Agencies of State and local governments carrying on a function related to that of the Department when it will help to accomplish an objective of the Department.

c. Cooperators and others furthering agricultural programs. Generally, only one print of each photograph should be provided free.

Sec. 12. *Loans.* Aerial photographic film negatives or reproductions may not be loaned outside the Federal Government.

Sec. 13. *Sales of positive prints under government contracts.* The annual contract for furnishing single and double frame slide film negatives and positive prints to agencies of the Department, County Extension Agents, and others cooperating with the Department, carries a stipulation that the successful bidder must agree to furnish slide film positive prints to such persons, organizations, and associations as may be authorized by the Department to purchase them.

Sec. 14. *Procedure for handling orders.* In order to expedite handling, all orders should contain adequate identifying information. Agencies furnishing aerial photographic reproductions require that all such orders identify the photographs. Each agency has its own procedure and order forms.

Sec. 15. *Reproduction prices.* The prices for reproductions listed here are for the most generally requested items.

a. National Agriculture Library. The following prices are applicable to National Agricultural Library items only: Reproduction of electrostatic, microfilm, and microfiche copy—$3.00 for the first 10 pages or fraction thereof, and $2.00 for each additional 10 pages or fraction thereof. Duplication of NAL-owned microfilm—$10.00 per reel. Duplication of NAL-owned microfiche—$3.00 for the first fiche, and $0.50 for each additional fiche. Magnetic tape containing bibliographic files—$45 per reel. Charges for manual and automated data base searches for bibliographic or other research information will be made in accordance with Section 4, subsections c–e of this fee schedule. The contract rate charged by the commercial source to the National Agricultural Library for computer services is available at the National Agricultural Library, Room 111, Information Access Division, USDA, Beltsville, Maryland 20705 (301–344–3834).

b. General photographic reproductions. Minimum charge $1 per order. An extra charge may be necessary for excessive laboratory time caused by any special instructions from the purchaser.

Class of work and unit	Price
1. Black and white Line Negatives:	
4 by 5 (each)	$6.00
8 by 10 (each)	8.50
11 by 14 (each)	11.00
2. Black and white Continuous Tone Negatives:	
4 by 5 (each)	8.50
8 by 10 (each)	11.00
3. Black and White Enlargements:	
8 by 10 and smaller (each)	6.50
11 by 14 (each)	11.00
Larger sizes and quantities	(1)
4. Black and White Slides:	
2x2 cardboard mounted (from copy negative) (each)	4.00
Blue ozalid slides (each)	5.00
5. Color Slides: (2x2 cardboard mounted) Duplicate color slides:	
Display quality (each)	.65
(Display color slides are slides copies from 35mm color slides only.)	
Repro quality (each)	(1)
Original color slides (from flat copy) (each)	6.50
6. Color Enlargements and Transparencies:	
4 by 5 and larger	(1)
7. Slide Sets:	
1 to 50 frames	14.50
51 to 60 frames	16.50
61 to 75 frames	18.50
76 to 95 frames	21.50
96 to 105 frames	23.00
106 to 130 frames	26.50
(Prices include printed narrative guide.)	
8. Cassettes: (for the corresponding slide sets above)	3.00

(1) By quotation.

c. Aerial photographic reproductions. There is no minimum charge on aerial photography orders. The prices for various types of aerial photographic reproductions are set forth below. Size measurements refer to the approximate size in inches of the paper required to produce the print.

Size	Price each
1. Black-and-white contact prints:	
10x10 Paper	$3.00
10x10 Diapositive (film)	6.00
10x10 Copy Negative	4.00
2. Aerial photo index sheets:	
20x24 RC (Resin coated base) paper	5.00
24x36 Ozalid	4.00
Microfilm (Photo indexes):	
Aperture Cards	1.00
Microfiche	2.00

Size	Price each	
	RC paper	Film positive transparency
3. Black-and-white enlargement (projection prints):		
12x12	$6.00	$12.00
17x17	8.00	14.00
24x24	12.00	20.00
38x38	25.00	35.00

Size	Price each	
	RC color paper	Color film positive transparency
4. Reproductions from color negatives.		
10x10 contact	$5.00	$15.00
12x12 enlargement	20.00	.....
20x20 enlargement	25.00	.....
24x24 enlargement	30.00	.....
38x38 enlargement	45.00	.....

Size	Price each	
	White opaque base color print film	Color film positive transparency
5. Reproductions from color positive transparencies (natural color or color infrared).		
10x10 contact	$8.00	$12.00
12x12 enlargement	25.00	.....
20x20 enlargement	30.00	.....
24x24 enlargement	35.00	.....
38x38 enlargement	50.00	.....

6. Special need. For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in section 10a or the Departmental aerial photography coordinator, Aerial Photography Field Office, USDA–ASCS, 2222 West 2300 South, P.O. Box 30010, Salt Lake City, Utah 84130.

d. Audio and videotape reproductions. For reproductions of audio or videotapes, requesters must supply their own recording tape, and will be assessed a fee of $20.00 an hour for copying work requested. There is a one-hour minimum charge. Payment is required at the time videotapes or audiotapes are accepted by the requester.

(5 U.S.C. 301; 5 U.S.C. 552; 7 U.S.C. 2244; 31 U.S.C. 9701; and 7 CFR 2.75(a)(6)(xiii).)

Dated: September 4, 1986.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 86–20398 Filed 9–9–86; 8:45 am]

BILLING CODE 3410–13–M

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 121 and 123

[Rev. 14, Amdt. 12 for Part 121; Rev. 11, Amdt. 6 for Part 123]

Withdrawal of Physical Disaster Loan Authority From SBA

AGENCY: Small Business Administration.

ACTION: Final regulation.

SUMMARY: On April 7, 1986, the Consolidated Omnibus Budget Reconciliation Act (Pub. L. 99–272) was enacted (100 Stat. 82) which, among its other purposes, amended the Small Business Act (15 U.S.C. 631 *et seq.*) to withdraw physical disaster loan authority for agricultural enterprises from SBA.

Pub. L. 99–272 § 18006, as amended by Pub. L. 99–349, approved July 2, 1986 (100 Stat. 710) provides that agricultural enterprises shall not be eligible for disaster assistance at SBA in respect of any disaster for which a request for a disaster declaration was submitted by the Governor of the disaster State on or after October 1, 1985. Such disaster victims remain eligible for emergency assistance at the Farmers Home Administration, Department of Agriculture [FmHA]. These final rules implement this statutory requirement.

Another section of Pub. L. 99–272, section 18016, amended the definition of "small-business concern" in section 3(a) of the Small Business Act, 15 U.S.C. 632(a), by adding a proviso that fixed the maximum size of an eligible agricultural enterprise at annual receipts "not in excess of $500,000." Accordingly, another final rule amends Part 121, Small Business Size Regulations, to set the size standard for agricultural production at $500,000 in annual receipts. It should be noted that the new size standard is prospective only, and has no application to disasters occurring before its effective date.

EFFECTIVE DATE: April 8, 1986.

FOR FURTHER INFORMATION CONTACT: Regarding Disaster Loans, Bernard Kulik, Deputy Associate Administrator for Disaster Assistance, Small Business Administration, 1441 L Street N.W., Washington, D.C. 20416; telephone (202) 653–6879. Regarding size regulation, Andrew A. Canellas, Director, Size Standards Staff, at the same address; telephone (202) 653–6373.

SUPPLEMENTARY INFORMATION:

Disaster Loans

Above cited section 18006 amended section 18(a) of the Small Business Act [15 U.S.C. 647(a)] by striking therefrom the clauses which exempted agricultural enterprises from that section's general prohibition against the duplication by SBA of the activity of any other department or agency of the Federal Government. A corresponding insertion in section 7(b) makes clear that SBA has no disaster loan authority with respect to agricultural enterprises. These industries are generally eligible for disaster assistance at FmHA. These amendments made agricultural enterprises ineligible for loans to alleviate physical damage, or economic injury resulting from such damage, at SBA. The statute, amended subsequently by Pub. L. 99–349, *supra*, provides that the ineligibility shall begin with disasters for which a disaster declaration was requested on or after October 1, 1985.

Sections 123.17 and 123.40 of SBA regulations are amended herein to reflect the above-described statutory changes. These changes are promulgated in final form pursuant to 5 U.S.C. 553(b)(B) in order to implement the nondiscretionary aspects of the statutory changes affecting the disaster loan program of SBA. Because implementation of these rules is mandated by the statute which became effective on April 7, 1986, notice and public comment on them is impractical and unnecessary.

These regulatory changes will have a significant economic impact on a substantial number of small entities, as they will limit all agricultural enterprises to eligibility at FmHA after April 7, 1986, for disasters occurring on or after October 1, 1985, and for which a declaration was requested on or after that date. As these changes are mandated by Pub. L. 99–272 and Pub. L. 99–349, there is no alternative to their promulgation. There are no reporting, recordkeeping or compliance burdens inherent in these regulations and they do not duplicate or overlap other regulations.

These amendments to Part 123, taken together, do not constitute a major rule for purposes of E.O. 12291. While it is the nature of the disaster program that neither demand nor eligibility can be predicted, we are confident that this rule change will not have an economic effect exceeding $100 million. In the last completed fiscal year (1985) our agricultural disaster loans aggregated $73.2 million. It must also be noted that these amendments do not inhibit agricultural disaster lending by the Federal Government; they merely centralize such lending at FmHA.

Size Regulation

Section 18016 of the above-cited Pub. L. 99-272 enacted a size standard for agricultural enterprises (effective April 8, 1986), by adding a proviso at the end of the first sentence of section 3(a) of the Small Business Act, 15 U.S.C. 632(a), the definition of small-business concern, which deems "an agricultural enterprise . . . a small business concern if it (including its affiliates) has annual receipts not in excess of $500,000." Accordingly, it is necessary to amend the size standard rule, § 121.2, Final Rule Size Standards by SIC Industry, Division A, Agriculture, by setting a maximum annual earnings standard of $500,000. This change is likewise promulgated in final form pursuant to 5 U.S.C. 553(b)(B) for the same reasons as set forth above. This change also will have a significant economic impact on a substantial number of small entities, but here also there is no alternative to its promulgation. This rule change likewise creates no reporting, recordkeeping or compliance burden not presently in existence, and does not duplicate or overlap other regulations. This amendment to Part 121 does not constitute a major rule for purposes of E.O. 12291. While it is not possible to estimate the increase in business loan volume resulting from an increased size standard, our volume for agricultural business loans for recent fiscal years has been as follows: 1982—$6.8 million, 1983—$17.5 million, 1984—$21.7 million. We are therefore confident that the impact of the increased size standard on the economy cannot reach $100 million.

List of Subjects in Parts 121 and 123

Disaster assistance, Loan Programs/business, Small businesses, Standard Industrial Classification Codes.

Disaster Loans

Accordingly, Part 123 of Chapter I of Title 13, Code of Federal Regulations is amended as follows:

PART 123—[AMENDED]

1. The Authority citation is amended by adding at the end thereof before the words "unless otherwise noted":

Authority * * * Pub. L. 99-272, § 18006; Pub. L. 99-349, Amdt. No. 59, * * *.

2. Section 123.17 is revised to read as follows:

§ 123.17 Loans to agricultural enterprises.

"Agricultural enterprises" means those businesses engaged in the production of food and fiber, ranching and raising of livestock, aquaculture, and all other similar farming and agriculture-related industries. An agricultural enterprise is eligible for loan assistance under Subpart B (physical disaster) to repair or replace property other than residences and personal property only if the relevant disaster declaration application was submitted before October 1, 1985, and the applicant is not eligible for emergency loan assistance from Farmers Home Administration (FmHA) at a substantially similar interest rate (for example, because of (a) alien status; (b) being a corporation, partnership or cooperative not primarily engaged in farming; or (c) being owned by an individual who does not operate the farm). Applicants declined by FmHA for reasons other than ineligibility (*e.g.*, unfavorable credit determination, or lack of repayment ability), are not eligible for SBA disaster loan assistance. All agricultural enterprise applicants for such assistance must present a letter of referral from FmHA which specifies the particular reason for ineligibility, provided the loan request is $100,000 or less. See § 123.27 for computation of loss. Agricultural enterprises applying for assistance under Subpart C (economic injury disaster loans—see § 123.40) are eligible, without more, only if the relevant disaster declaration application was submitted before October 1, 1985.

3. Subpart C, Economic Injury Disaster Loans, is amended by revising § 123.40 to read as follows:

Subpart C—Economic Injury Disaster Loans

§ 123.40 Introduction.

Loans to which this subpart applies are available only to small business concerns and small agricultural cooperatives situated in a Disaster Area which have suffered or are likely to suffer substantial economic injury (as defined in § 123.41(a)) as a result of that specific Disaster (see § 123.23). Agricultural enterprises meeting the requirements of § 123.17 of this Part are eligible only if the relevant disaster declaration application was submitted before October 1, 1985. For description of an eligible "small agricultural cooperative" see § 123.41(b)(3). For definition of capitalized terms, see § 123.3.

Further, Part 121 of Chapter I, Title 13 of the Code of Federal Regulations is amended as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

1. The authority citation for 13 CFR Part 121 continues to read as follows:

Authority: Secs. 3(a) and 5(b)(6) Small Business Act, (15 U.S.C. 632(a) and 634(b)(6).

§ 121.2 [Amended]

The table at the end of § 121.2 Standard Industrial Classification and Size Standards is amended as to "Major Group 01—Agricultural Production—Crops" by striking the table for said Major Group 01 and substituting therefor:

FINAL RULE SIZE STANDARDS BY SIC INDUSTRY

(See footnotes at end of table)

SIC	Description	Size standards in number of employees or millions of dollars
		Final Rule
Division A—Agriculture		
Major Group 01—Agricultural Production—Crops		
0111-0191	Agricultural Production—Crops	[1] $0.5

[1] Size standards preceded by a dollar sign ($) are in millions of dollars. All others are in number of employees unless specified otherwise.

(Catalog of Federal Domestic Assistance Programs, No. 59.029 Disaster Assistance).

Dated: August 21, 1986.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 86-20286 Filed 9-9-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-26-AD; Amdt. 39-5411]

Airworthiness Directive: Sperry SPZ-7000 Digital Automatic Flight Control System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to the Sperry SPZ-7000 Digital Automatic Flight Control System installed in any helicopter, including, but not limited to, Sikorsky and S.N.I.A.S. helicopters. The existing AD imposes a restriction on use of the Sperry SPZ-7000 Digital Automatic Flight Control System in the instrument landing system (ILS) mode, and includes terminating action for the Sikorsky helicopter. This amendment is needed to provide terminating action for the restriction on the S.N.I.A.S. Model AS-365N helicopter.

EFFECTIVE DATE: September 15, 1986.

ADDRESSES: The applicable service information may be obtained from Sperry Corporation, Aerospace and Marine Group, P.O. Box 29000, Phoenix, Arizona 85038. This information may be examined at the Federal Aviation Administration (FAA), Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Thompson, Aerospace Engineer, Systems & Equipment Section, ANM-173W, FAA, Northwest Mountain Region, Western Aircraft Certification Office; telephone (213) 297-1375. Mailing Address: FAA, Northwest Mountain Region, Western Aircraft Certification Office, ANM-173W, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to amend Airworthiness Directive (AD) 85-07-03, which would provide terminating action for a certain operating restriction on S.N.I.A.S. Model AS-365 helicopters, was published in the **Federal Register** on May 1, 1986 (51 FR 16178). The comment period for the proposal closed June 23, 1986.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed. Since this amendment relieves a restriction by providing operators with an optional terminating action to certain operating limitations, and imposes no additional burden on any person, the amendment may be made effective in less than 30 days.

It is estimated that five helicopters of U.S. registry will be affected by this AD, that it will take approximately two manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on the U.S. operators is estimated to be $400.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance involved in removing the restriction. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By amending Airworthiness Directive 85-07-03, Amendment 39-5026 (50 FR 13015; April 2, 1985), by revising paragraph B. to read as follows:

B. Installation of FZ-700 computers, Part Number (P/N) 7003138-902 with modification "E" incorporated, on Sikorsky S-76A helicopters; or P/N 7003138-901 with modification "F" incorporated, on S.N.I.A.S. Model AS-365N helicopters; constitutes terminating action for the requirement of paragraph A. of this AD.

All person affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Sperry Corporation, Aerospace and Marine Group, P.O. Box 29000, Phoenix, Arizona 85038. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

This amendment becomes effective September 15, 1986.

Issued in Seattle, Washington, on August 27, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-19862 Filed 9-9-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 86-ANE-36; Amdt. 39-5410]

Airworthiness Directives; Grob Werke GmbH & Co. KG (Burkhart Grob), Model G103 TWIN ASTIR Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This amendment adopts a new airworthiness directive (AD) to Grob-Werke GmbH G103 TWIN ASTIR gliders which requires a visual inspection and replacement of the rudder control rear parallel lever. This action was prompted by the determination that the rudder control rear parallel lever can fail from vibrational loads in the rudder control system. This condition, if not corrected, could result in the loss of rudder control.

DATES: Effective September 15, 1986.

Compliance schedule. As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the **Federal Register** on September 15, 1986.

ADDRESSES: The technical information and modification parts specified in this AD may be obtained from Grob Systems, Inc., Aircraft Division, I-75 and Airport Drive, Bluffton, Ohio 45817. A copy of the technical notes is contained in the Rules Docket, FAA, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts, 08103.

FOR FURTHER INFORMATION CONTACT: Mr. Munro Dearing, Brussels Aircraft Certification Office, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 15 Rue de la Loi B-1040 Brussels, Belgium, Telephone 513.38.30 ext. 2710, or John J. Maher, ANE-172, New York Aircraft Certification Office, Aircraft Certification Division, FAA, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, Telephone No. (516) 791-6221.

SUPPLEMENTARY INFORMATION: Grob-Werke GmbH has determined that cracks may develop in the rear parallel lever at the rear pedal support of the rudder control. The manufacturer has

issued Technical Information, TM 315–30, dated Octoberr 1, 1985, which recommends the visual inspection and replacement of the rudder control rear parallel lever on certain serial numbered gliders. The Luftfahrt-Bundesamt (LBA), who has responsibility and authority to maintain the continuing airworthiness of these gliders in the Federal Republic of Germany, has issued an AD requiring compliance with the provisions of Technical Information No. TM 315–30 on gliders operated under the Federal Republic of Germany registration. The FAA relies upon the certification of the LBA, combined with FAA review of pertinent documentation, in finding compliance of the design of these gliders with the applicable United States airworthiness requirements, and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Grob Technical Information No. TM 315–30 and the issuance of Airworthiness Directive No. 85–191 Grob by the LBA. Based on the foregoing, the FAA has determined that the condition addressed by Grob Technical Information No. TM 315–30 is an unsafe that may exist on other products of the same type design certificated for operation in the United States. Applicability information is provided because not all aircraft serial numbers of the named models are affected by the AD.

Therefore, an AD is being issued to require a visual inspection and replacement of the rudder control system rear parallel lever on certain serial numbered Grob-Werke GmbH Model Gl03 TWIN ASTIR glides. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Conclusion: The FAA has determined that this regulation is an emergency regulation that is not considered to be major Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation Safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By adding to § 39.13 the following new airworthiness directive (AD):

Grob Werke GmbH (Burkhart Grob): Applies to Model Gl03 TWIN ASTIR gliders serial numbers 3000 through 3291, and 3000–T–1 through 3284–T–44, certified in any category.

Compliance is required as indicated unless already accomplished.

To prevent failure to the rudder control rear parallel lever P/N II 103–4320.05 which could result in loss of rudder control, accomplish the following:

(a) Within the next 10 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 10 hours time-in-service after the last inspection, until compliance with Paragraph (c) is accomplished, visually inspect the rear parallel lever in the area of the left and right boreholes, using a 10 power or greater magnifying glass, for cracks in accordance with Part 1 of the "Instructions" section of Grob Technical Information No. TM 315–30, dated October 1, 1985.

(b) If a cracked lever is found during the inspection required by Paragraph (a) of this AD, before further flight, replace the rear parallel lever with a stronger new parallel lever in accordance with part 2 of the "Instructions" section of Grob Technical Information No. TM 315–30, dated October 1, 1985, and Grob Repair Instruction No. 315–30, dated October 1, 1985.

(c) Within the next 30 hours time-in-service but no later than 60 days after the effective date of this AD, replace any rear parallel lever not replaced in accordance with Paragraph (b) of this AD, with a stronger rear parallel lever in accordance with Part 2 of the "Instructions" section of Grob Technical Information No. TM 315–30, dated October 1, 1985, and Grob Repair "Instructions" No. 315–30, dated October 1, 1985.

Note.—Stronger rear parallel lever does not have a new part number. It can be identified as it is made of stock aluminum, not a casting as the original part.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Brussels Aircraft Certification Office AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 15 Rue de la Loi B–1040 Brussels, Belgium, Telephone No. 513.38.30 ext. 2710 or the Manager, New York Aircraft Certification Office, Aircraft Certification Division, FAA, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, Telephone No. 516–791–6680.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Brussels Aircraft Certification Office, or the Manager, New York Aircraft Certification Office, may adjust the compliance time specified in this AD.

Grob Technical Information No. TM 315–30 dated October 1, 1985, and Grob Repair Instruction No. TM 315–30 dated October 1, 1985, identified and described in this document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Grob Systems, Inc., Aircraft Division, I–75 and Airport Drive, Bluffton, Ohio 45817. These documents also may be examined at the Office of Regional Counsel, ANE–7, FAA New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Room 311, Rules Docket 86–ANE–36, between the hours of 8:00 am and 4:30 pm; Monday thru Friday, except Federal holidays.

This amendment becomes effective on September 15, 1986.

Issued in Burlington, Massachusetts on August 22, 1986.

Clyde Dehart Jr.,

Acting Director, New England Region.

[FR Doc. 86–20321 Filed 9–9–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–CE–15–AD; Amdt. 39–5412]

Airworthiness Directives; Arctic Aircraft Company Model Interstate S–1B2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to Arctic Aircraft Company Model Interstate S–1B2 airplanes. It requires that the glide or dive operating airspeed limit (hereinafter referred to as the never-exceed speed) of these

airplanes when operated as landplanes be reduced from its present value of 160 miles per hour to 142 miles per hour. This speed reduction will preclude the possibility of catastrophic flutter by limiting the airplane operation to a speed range with an upper limit too low to excite flutter of the elevators and/or ailerons even when those elevators and/or ailerons have no balance weights installed.

EFFECTIVE DATE: October 12, 1986.

COMPLIANCE: Required within the next 100 hours time-in-service (TIS) or within 31 calendar days after the effective date of this AD, whichever comes first, unless already accomplished.

ADDRESSES: Arctic Aircraft Company Service Bulletin No. 5 dated April 15, 1986, and the FAA Approved Airplane Flight Manual for the Arctic Model Interstate S–1B2 Airplane, Revision 7 dated April 15, 1986 applicable to this AD may be obtained from the Arctic Aircraft Company, P.O. Box 6–141, Anchorage, Alaska 99502, telephone (907) 243–1580; or from the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86–CE–15–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Copies of the service bulletin and the airplane flight manual may be inspected at the Rules Docket between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon K. Mandell, Federal Aviation Administration, Aircraft Certification Office, ANM–100A, 701 C Street, Box 14, Anchorage, Alaska 99513; telephone (907) 271–5927.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring a reduction of the never-exceed speed of Arctic Interstate S–1B2 airplanes operated as landplanes from its present value of 160 miles per hour to 142 miles per hour, was published in the **Federal Register** on June 23, 1986 (51 FR 22820).

The proposal was prompted by a Malfunction or Defect (M or D) Report and two related Service Difficulty Reports received by the FAA on June 12, 1985, in which the submitter stated that he had discovered the balance weights to be missing from both elevators of an Arctic Model Interstate S–1B2 airplane, when replacing the covering fabric. The reports were forwarded to the FAA Anchorage Aircraft Certification Office (ACO) for further investigation. Upon contacting the Arctic Aircraft Company (hereinafter referred to as the manufacturer), the FAA was informed that several Interstate S–1B2 airplanes had been built without balance weights, as well as without aileron balance weights. These weights are required as part of the approved type design of the Model Interstate S–1B2 airplane, and were deemed essential during the original certification of the landplane version of the airplane, to assure freedom from flutter at all speeds up to and including the never-exceed speed of 160 miles per hour (MPH). The manufacturer incorrectly believed that (1) the weights were not essential to flutter prevention, (2) deletion of the weights had been approved, and (3) no drawing changes showing the deletion of balance weights from the elevators were required. The manufacturer also informed the FAA that all 29 Arctic Interstate S–1B2 airplanes manufactured as of September 1985, had been built without either elevator or aileron balance weights, and claimed that early in the certification program a flight test had been successfully conducted to the maximum design dive airspeed to demonstrate that the skiplane version of the Model Interstate S–1B2 without the balance weights is free from flutter. However, the manufacturer's own Statements of Conformity contradict its contention that the particular test airplane was presented for fight testing with the balance weights removed. The FAA determined, after further investigation, that the manufacturer possessed no data substantiating the deletion of the weights from the Model Interstate S–1B2 type design. During January, 1986 the manufacturer performed a ground vibration survey of a production airplane and determined that the moments and products of inertia of the elevators and ailerons without the balance weights installed, but was unable to show that the Interstate S–1B2 airplane design complies with the flutter prevention criteria of its original certification basis at a never-exceed speed of 160 miles per hour, without the elevator and aileron balance weights installed. The manufacturer was able to show that the Interstate S–1B2 airplane without balance weights complies with the flutter prevention criteria of its original certification basis at a never-exceed speed of 142 MPH and proposed that corrective action consist of a reduction in the never-exceed speed of the Interstate S–1B2 landplane.

Since the condition described herein is likely to exist or develop in other Arctic Model Interstate S–1B2 airplanes of the same design, this AD requires, on all these airplanes, the incorporation of Arctic Aircraft Company Service Bulletin No. 5 which requires: (1) Re-marking the airspeed indicators so that the upper limit of the yellow arc and the location of the red radial line is 142 MPH (123 knots), (2) issuing revised FAA approved Airplane Flight Manuals, and (3) replacing the placards reading "SEAPLANE MANEUVERING SPEED 105 MPH (CAS)" and "SEAPLANE MAXIMUM SPEED 142 MPH (CAS)" with placards reading only "SEAPLANE MANEUVERING SPEED 105 MPH (CAS)".

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change.

The FAA has determined there are approximately 29 airplanes affected by the AD. The cost of complying with the AD is estimated to be $350 per airplane. The total cost is estimated to be $10,150 to the private sector. The cost is so small that compliance with the AD will not have a significant financial impact on any small entities owning affected airplanes.

Therefore, I certify that this action (1) is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the FAR (14 CFR 39.13) is amended as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Arctic Aircraft Company: Applies to Arctic Model Interstate S–1B2 "Tern" (Serial Numbers 1001 through 1029) airplanes certificated in any category. Compliance: Required within the next 100 hours time-in-service (TIS) or within 31 calendar days after

the effective date of this AD, whichever comes first, unless already accomplished.

To preclude the possibility of catastrophic flutter of the ailerons and/or the elevators during flight at high speeds, resulting in possible loss of the airplane, accomplish the following:

(a) Re-mark the airspeed indicator by removing that portion of the yellow arc that presently extends from 142 miles per hour (123 knots) to 160 miles per hour (139 knots), and the red radial line presently located at 160 miles per hour (139 knots), and marking a red radial line located at 142 miles per hour (123 knots).

(b) Replace the existing Airplane Flight Manual (AFM) with the FAA approved Airplane Flight Manual for the Arctic Model Interstate S-1B2 airplane, Revision 7 dated April 15, 1986. If the airplane is currently operated as a seaplane, detach the FAA approved Seaplane Flight Manual Supplement from the existing Airplane Flight Manual and attach it to the new Manual. Also, detach any FAA approved Airplane Flight Manual Supplements, required with currently-installed major alterations, from the existing Airplane Flight Manual and attach them to the new Manual.

(c) Check the airplane's instrument panel to determine if there is a placard reading "SEAPLANE MANEUVERING SPEED 105 MPH (CAS)" and "SEAPLANE MAXIMUM SPEED 142 MPH (CAS)". If so, remove the existing placard and replace it with the placard reading "SEAPLANE MANEUVERING SPEED 105 MPH (CAS)", supplied with Arctic Aircraft Company Service Bulletin No. 5.

(d) Accomplish the actions required in paragraph (a) of this AD at a certificated repair station with a Class 1 instrument rating or an appropriate limited instrument rating. The checks and actions required in paragraphs (b) and (c) of this AD may be accomplished by the owner/operator. Make the entries in the airplane's maintenance records documenting the accomplishment of the inspections, checks and actions required by this AD as prescribed by FAR 91.173.

(e) An equivalent means of compliance with the AD may be used if approved by the Manager, Anchorage Aircraft Certification Office (ANM-100A); FAA; 701 C Street, Box 14; Anchorage, Alaska 99513. All persons affected by this directive may obtain copies of the documents referred to herein upon request to Arctic Aircraft Company, Post Office Box 6-141, Anchorage, Alaska 99502; Telephone (907) 243-1580; or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on October 12, 1986.

Issued in Kansas City, Missouri on August 28, 1986.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 86-20319 Filed 9-9-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-CE-32-AD; Amdt. 39-5413]

Airworthiness Directives; Beech Models 65-90; 65-A90; 65-A90-1 (U-21A), (JU-21A), (U-21G), (RU-21A); 65-A90-2 (RU-21B); 65-A90-3 (RU-21C); 65-A90-4 (RU-21H); B90; C90; C90A; E90; F90; H90 (T-44A); 200; B200; 200C; B200C; 200CT; B200CT; 200T; B200T; A200 (C-12A), (C-12C); A200C (UC-12B); A200CT (C-12D), (RC-12D), (RC-12G), (FWC-12D); 300; 1900; and 1900C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models 65-90; 65-A90; 65-A90-1 (U-21A), (JU-21A), (U-21G), (RU-21A); 65-A90-2 (RU-21B); 65-A90-3 (RU-21C); 56-A90-4 (RU-21H); B90; C90; C90A; E90; F90; H90 (T-44A); 200; B200; 200C; B200C; 200CT; B200CT; 200T; B200T; A200 (C-12A), (C-12C); A200C (UC-12B); A200CT (C-12D), (RC-12D), (RC-12G), (FWC-12D); 300; 1900; and 1900C airplanes. It requires modification of the elevator trim cable system. Beech Aircraft Corporation has received reports of the elevator trim cable becoming partially disengaged from the manual or electric trim cable drum which inhibits movement of the trim tab and increases the elevator control forces. The modification would preclude disengagement of the trim cable and subsequent loss of control of the airplane.

EFFECTIVE DATE: October 15, 1986.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Beechcraft Mandatory Service Bulletin No. 2028, Rev. 11, dated November 1985, applicable to this AD may be obtained from Beechcraft Aero and Aviation Centers, Beech Aircraft Corporation, 9709 East Central, P.O. Box 85, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, Office of Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Dale A. Vassalli, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4419.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring installation of a redesigned cable(s) guard on the elevator trim tab control system on certain Beech Model 65-90; 65-A90; 65-A90-1 (U-21A), (JU-21A), (U-21G), (RU-21A); 65-A90-2 (RU-21B); 65-A90-3 (RU-21C); 65-A90-4 (RU-21H); B90; C90; C90A; E90; F90; H90 (T-44A); 200; B200; 200C; B200C; 200CT; B200CT; 200T; B200T; A200 (C-12A), (C-12C); A200C (UC-12B); A200CT (C-12D), (RC-12D), (RC-12G), (FWC-12D); 300; 1900; and 1900C airplanes was published in the **Federal Register** on April 17, 1986 (51 FR 11749). The proposal resulted from reports the manufacturer has received of the elevator trim cable becoming disengaged from the manual and electric trim cable drum which can inhibit movement of the trim tab and increase the elevator control forces. Beech, in its evaluation of the elevator trim system as a result of these reports, determined through ground testing that the trim cable may partially come off its cable drum when the system is operated beyond its stop limits. In addition, Beech determined that the condition could result when the system is operated by the pilot trimming manually, utilizing the optional manually controlled electric elevator trim, or when the trim is activated by an autopilot. Beech also ascertained that the cable guards (2 each) are not consistently preventing the cable from being misplaced or fouled on the cable drum. If the trim cable disengages from the cable drum, the resulting elevator control forces can become excessive thereby resulting in an unsafe condition.

The manufacturers' evaluation substantiated that the system functions properly until the cable stop limits (nose down or up) are exceeded. When the stop limits are exceeded, the cable stretches and the resulting backlash, when force is removed from the cable, could cause the trim cable to get past the cable guard and partially wind off the drum and/or bind between the cable guard and a loop of the cable still on the drum, thereby preventing further movement of the trim tab. With subsequent movement of the elevator trim, the trim indicator may return to a normal range, and there may be no indication to the pilot that the elevator trim tab is in a mistrimmed position.

Since the Notice of Proposed Rulemaking was published in the **Federal Register**, Beech has issued Rev II, dated November 1985, to Beechcraft Mandatory Service Bulletin No. 2028. This revision limits installation of new cable guards on the electric trim actuators to airplanes that are equipped with Beech Aircraft Corporation, P/N 33-524023 and P/N 50-524496 electric trim actuators. Any other Beech Aircraft Corporation Part Number actuator or

autopilot manufacturer actuator will not require a kit for the electric trim actuator. Therefore, the AD references Beechcraft Mandatory Service Bulletin No. 2028, Revision II. Also, since the NPRM was published the FAA has been advised that necessary parts required for the modification will not be immediately available. However, the FAA will proceed with issuance of an AD to require modification of the elevator trim tab control system when the necessary parts are available. In the interval, between the effective date of this AD and the date required for the modification to be completed, the AD will require a mandatory preflight check of the elevator trim tab control system prior to each flight until the modification has been completed.

Beech has issued service instructions for equivalent military airplanes. These military airplanes may be eligible for civil certification under the Type Certificate; therefore, the FAA is listing in the applicability statement of the AD those airplane models and service instructions as appropriate.

Interested persons have been afforded an opportunity to comment on the proposal.

No comments or objections were received on the proposal or the FAA determination of the related cost to the public. Accordingly, the proposal is adopted with Beech Mandatory Service Bulletin No. 2028, Revision II, dated November 1985, in lieu of Revision I as referenced in the Notice, including a mandatory pre-flight check of the elevator trim system to be performed until Part III of Service Bulletin is accomplished.

The FAA has determined that this regulation involves 3151 airplanes at a one-time average estimated cost of $700 for each airplane or a total one-time fleet cost of $2,205,700.

The cost of compliance with the proposed AD is so small that it would be necessary that a small entity own four or more of the affected airplanes for there to be a significant financial impact on these entities. Few, it any, small entities will own this many of the affected airplanes.

Therefore, I certify that this action (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained in contacting the Rules Docket at the location provided under the caption **"ADDRESSES".**

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following AD:

Beech Aircraft Corporation: Applies to the following Beech Airplanes certificated in any category:

Model	Serial numbers S/N	Reference service instruction No.
65-90, 65-A90, B90, C90, C90A; E90; F90; 200, B200; 200C, B200C; 200CT, B200CT; 200T, B200T.	LJ-1 thru LJ-1110; LW-1 thru LW-347; LA-2 thru LA-236; BB-2 thru BB-1217; BL-1 thru BL-112 and BL-124; BN-1 thru BN-4; BT-1 thru BT-30.	Beechcraft Mandatory Service Instruction No. 2028, Rev. 11, dated November 1985.
300	FA-1 thru FA-38 and FA-40 thru FA-50.	
1900	UA-1 thru UA-3	
1900C Airliner.	UB-1 thru UB-44	
H90 (T-44A)	LL-1 thru LL-18, LL-20 thru LL-31, LL-33 thru LL-40, LL-42 thru LL-48, and LL-50 thru LL-61.	Beech T-44A Service Instructions No. T-44A-0058.
A200 (C-12A)	BD-1 thru BD-30	Beech C-12 Service Instructions No. C-12-0103.
A200 (C-12C).	BC-1 thru BC-75;	
A200CT (C-12D).	BP-1, BP-22, BP-24 thru BP-39; BP-40 and BP-45.	
A200CT (RC-12D).	GR-1 thru GR-13	
A200CT (RC-12G).	FC-1 thru FC-3	
A200CT (FWC-12D).	BP-7 thru BP-11	
A200C (UC-12B).	BJ-1 thru BJ-66	
65-A90-1 (U-21A).	LM-1 thru LM-63, LM-65, LM-67 thru LM-69, LM-71 thru LM-107, and LM-112 thru LM-124.	Beech U-21 Service Instruction No. U-21-0002.
65-A90-1 (JU-21A).	LM-64, LM-66, LM-70.	
65-A90-1 (U-21G).	LM-125 thru LM-141	
65-A90-1 (RU-21A).	LM-108 thru LM-111	
65-A90-2 (RU-21B).	LS-1 thru LS-3	
65-A90-3 (RU-21C).	LT-1 and LT-2	
65-A90-4 (RU-21H).	LU-1 thru LU-16	

Compliance: Required as indicated after the effective date of this AD, unless previously accomplished.

To preclude improper operation of the elevator trim system, accomplish the following:

(a) Within the next 25 hours time-in-service, perform the following:

(1) Check the operation of the elevator trim system and mark the elevator trim indicator scale in accordance with Part I or Part II of Beech Service Bulletin No. 2028, Rev. II, dated November 1985.

(2) For the Models 65-90, 65-90A, B90, C90, C90A, and E90 airplanes, mark the elevator trim tab push rods in accordance with Part I or Part II of Beech Service Bulletin No. 2028, Rev. II, dated November 1985.

Note.—The following airplanes have been previously marked by the manufacturer per paragraphs (a)(1) and (a)(2) of this AD:

Models C90A (S/N LJ-1077 thru LJ-1110), F90 (S/N LA-223 thru LA-236), B200 (S/N BB-1193 thru BB-1217), B200C (S/N BL-72 thru BL-112 and BL-124), 300 (S/N FA-1, FA-38 and FA-40 thru FA-50), and 1900 (S/N UB-9 thru UB-44).

(3) Place the Elevator Trim System Preflight Check Procedure, shown in Attachment 1 to this AD, in the Limitations Section of the FAA Approved Airplane Flight Manual for the Models 65-90, 65-A90, B90, C90, E90, and 200T/200CT airplanes; and the Limitations Section of the Pilot's Operating Handbook and the FAA Approved Airplane Flight Manual for the Models C90, C90A, F90, 200/200C, B200T, B200CT, 300, and 1900/1900C airplanes.

(b) Prior to March 1, 1987, modify the elevator trim system in accordance with the instructions contained in Beechcraft Service Bulletin No. 2028, Rev. II, Part III, dated November 1985.

(c) The requirements of paragraph (a) of this AD are not required after the modification required by paragraph (b) of this AD is accomplished.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where the AD may be accomplished.

(e) An equivalent means of compliance with this AD may be used, if approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4400.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to Beech Aircraft Corporation, 9709 East Central, P.O. Box 85, Wichita, Kansas 67201; or the FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on October 15, 1986.

Issued in Kansas City, Missouri, on August 29, 1986.

Jerold M. Chavkin,

Acting Director, Central Region.

Attachment 1

Operating Limitation:

The Elevator Trim System Preflight Check procedure, as defined below, must be conducted prior to each flight.

To verify that the elevator trim cable is not fouled or disengaged from the cable drum the following Elevator Trim System Preflight Check is required prior to each flight of the Beech Models 65–90, 65–A90, B90, C90, C90A, E90, F90, 200, B200, 200C, B200C, 200CT, B200CT, 200T, B200T, 300, 1900 and 1900C airplanes:

Cockpit

1. Control Locks—REMOVE.
2. Elevator Trim:

a. All airplanes except 1900/1900C—SET TO "0" UNITS

b. 1900/1900C airplanes—SET TWO UNITS NOSE UP

Caution

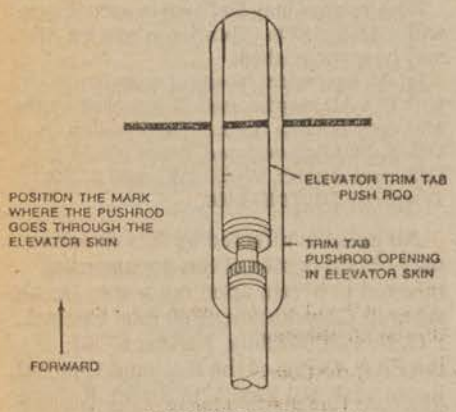
The elevator trim system must not be forced past the limits which are indicated on the elevator trim indicator scale either manually, electrically (except Model 300) or by action of the autopilot (except Model 300).

Tail Section

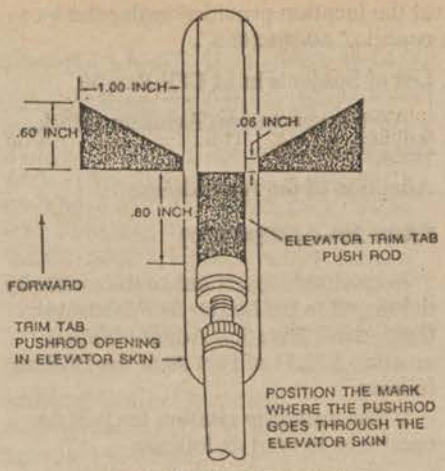
1. Elevator Trim Tab.

a. VERIFY "0" (NEUTRAL) POSITION.

1. On Model 65–90, 65–A90, B90, C90, C90A and E90 airplanes, the elevator trim tab "0" (neutral) position is determined by observing that the alignment marks on the elevator trim tab pushrods align with the alignment marks on the elevator (See Figure 1 or 2 below), when the elevator is resting against the downstops.



Pushrod Marking (Temporary)
Figure 1



Pushrod Marking (Permanent)
Figure 2

2. On F90, 200 Series, 300 and 1900/1900C airplanes, the elevator trim tab "0" (neutral position is determined by observing that the trailing edge of the elevator trim tab aligns with the trailing edge of the elevator, when the elevator is resting against the downstops.

Warning

The above Preflight Inspection check *must* be repeated prior to take-off if the elevator trim is allowed to reach limit travel at any time prior to take-off as a result of MANUAL, ELECTRICAL (except Model 300) OR AUTOPILOT (except Model 300) OPERATION of the trim system.

[FR Doc. 86–20320 Filed 9–9–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4

Update of Location of Freedom of Information Act Reference Facilities and Delegation of Initial Denial Authority

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce revises Appendices B and C of its Freedom of Information Act rules. Appendix B contains the names and addresses of the Department's Freedom of Information public facilities. Appendix C lists the officials authorized to make initial denials for Freedom of Information requests.

EFFECTIVE DATE: September 10, 1986.

FOR FURTHER INFORMATION CONTACT: Mrs. Geraldine P. LeBoo, U.S. Department of Commerce, Herbert C. Hoover Building, Room 6622, Office of Information Resources Management, Washington, DC 20230 (202) 377–4217.

SUPPLEMENTARY INFORMATION: Appendices B and C are revised to reflect changes, due to redelegation or reorganization, of officials authorized to make initial denials, and changes, due to relocation, of several Freedom of Information public facilities. Since these revisions involve internal agency procedures, the Administrative Procedures Act (5 U.S.C. 553) provisions requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are, inapplicable. Also, this regulation is not significant under Executive Order 12291. This revision does not require a change of burden or imposition of a new burden on the public as defined by the Paperwork Reduction Act of 1980, Public Law 96–511.

The revisions to the Department of Commerce Freedom of Information Act rules, Appendices B and C, are as follows: Revisions to Appendix B are: changes in address and/or telephone number of the public reference facilities within the Bureau of Economic Analysis, Economic Development Administration, International Trade Administration, Minority Business Development Agency, National Oceanic and Atmospheric Administration, National Technical Information Service, and Patent and Trademark Office.

Revisions to Appendix C reflect organizational changes or the selection of different officials with initial denial authority in the following Departmental components: Bureau of Economic Analysis, International Trade Administration, Minority Business Development Agency, National Oceanic and Atmospheric Administration, and National Technical Information Service.

List of Subjects in 15 CFR Part 4

Freedom of information.

For the reasons set out in the Preamble, 15 CFR Part 4 is amended as set forth below.

PART 4—[AMENDED]

1. The authority citation for Part 4 continues to read as follows:

Authority: 5 U.S.C. 552, 5 U.S.C. 553; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, unless otherwise voted.

2. Appendix B is revised to read as follows:

Appendix B—Freedom of Information Public Facilities and Addresses for Requests for Records

The following public reference facilities have been established within the Department

of Commerce (a) for the public inspection and copying of materials of particular units of the Department under 5 U.S.C. 552(a)(2), or determined to be available for response to requests made under 5 U.S.C. 552(a)(3); (b) for furnishing information and otherwise assisting the public concerning Departmental operations under the Freedom of Information Act; and (c) as addresses, in some instances, for the receipt and processing of requests for records under 5 U.S.C. 552(a)(3). Units having separate mailing addresses are noted below. Requests should be addressed to the unit which the requestor knows or has reason to believe has possession or control or has primary concern with the records sought. Otherwise, requests should be addressed to the Central Reference and Records Inspection Facility.

Department of Commerce Freedom of Information Central Reference and Records Inspection Facility, Room 6628, Department of Commerce, Herbert C. Hoover Building, 14th Street between Constitution Avenue and Pennsylvania Avenue, NW., Washington, D.C. 20230. Phone (202) 377–4217. This facility serves the Office of the Secretary and all other units of the Department not identified below as explained at Section 15 CFR 4.4(c) and (d).

Bureau of the Census, Freedom of Information Request Control Desk, Room 2428, Federal Building 3, Washington, D.C. 20233.

The Bureau of the Census maintains a separate facility for inspection of (a)(2) records. The location is Room 2455, Federal Building 3, Washington, D.C. 20233.

Bureau of Economic Analysis. Public Reference Facility, Room 1115, Tower Building, 1401 K Street, N.W., Washington, D.C. Mailing Address: Freedom of Information Control Desk, Office of Administration, Office of Economic Affairs, Room 4079 Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenue, N.W., Washington, D.C. 20230. Phone (202) 377–5161.

Economic Development Administration, Freedom of Information Records Inspection Facility, Room 7001, Department of Commerce, Herbert C. Hoover Building, 14th Street between Constitution Avenue and Pennsylvania Avenue, N.W., Washington, D.C. 20230. Phone (202) 377–4687. Mailing address of Regional EDA offices:

Philadelphia Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Liberty Square Building, 105 South 7th Street, Philadelphia, Pennsylvania 19106.

Atlanta Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Suite 750, 1365 Peachtree Street, N.E., Atlanta, Georgia 30309.

Denver Regional Office, EDA U.S. Department of Commerce, Freedom of Information Request Control Desk, Suite 200, 333 West Colfax, Denver, Colorado 80202.

Chicago Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, 175 West Jackson Boulevard, Suite A–1630, Chicago, Illinois 60604.

Seattle Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, 1700 Westlake North, Suite 500, Seattle, Washington 98109.

Austin Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Grant Building, Suite 201 611 East 6th Street, Austin, Texas 78701.

International Trade Administration, Freedom of Information Records Inspection Facility, Room 4102, Department of Commerce, Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenue, N.W., Washington, D.C. 20230. Phone (202) 377–3031.

Minority Business Development Agency, Freedom of Information Officer, Room 6273, Department of Commerce, Herbert C. Hoover Building, 14th Street between Constitution Avenue and Pennsylvania Avenue, N.W., Washington, D.C. 20230. Phone (202) 377–8015.

The Minority Business Development Agency maintains a separate facility for public inspection of (a)(2) records. The location is Room 5078B, Herbert C. Hoover Building, Washington, D.C. 20230.

National Bureau of Standards, Freedom of Information Records Inspection Facility, Room E106, Administration Building, Gaithersburg, Maryland. Phone (301) 921–3444. Mailing address: National Bureau of Standards, Freedom of Information Request Control Desk, Room A1105, U.S. Department of Commerce, Washington, D.C. 20234 (Gaithersburg, Maryland).

The National Bureau of Standards maintains a separate facility for public inspection of (a)(2) records. The location is Room E–106 Administration Building, Gaithersburg, Maryland 20899.

National Oceanic and Atmospheric Administration, Public Reference Facility, Room 1111, Herbert C. Hoover Building, 14th Street between Constitution Avenue and Pennsylvania Avenue, N.W., Washington, D.C. 20230.

National Technical Information Service, Freedom of Information Records Inspection Facility, 5285 Port Royal Road, Springfield, Virginia 22161. Phone (703) 487–4634.

National Telecommunications and Information Administration, Freedom of Information Request Control Desk, Room 4717, Department of Commerce, Herbert C. Hoover Building, 14th Street between Constitution Avenue and Pennsylvania Avenue, N.W., Washington, D.C. 20504. Phone (202) 377–1816.

Patent and Trademark Office, Freedom of Information Records Inspection Facility, Room 12C08, Building 2, Crystal Gateway 2, Arlington, Virginia. Phone (703) 557–4035. Mailing address: Patent and Trademark Office, Freedom of Information Request Control Desk, Box 50, Washington, D.C. 20231.

United States Travel and Tourism Administration, Freedom of Information Request Control Desk, Room 1524, Department of Commerce, Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenue, N.W., Washington, D.C. 20230. Phone (202) 377–3811.

3. Appendix C is revised to read as follows:

Appendix C—Officials Authorized To Make Initial Denials of Requests for Records

The following officials of the Department have been delegated authority to initially deny requests for records of their respective units for which they are responsible. (The listings are subject to change because of organizational changes or new delegations. Accordingly, the Chief, Information Management Division, is specifically authorized to amend or revise this Appendix from time to time in order to reflect such changes).

Office of the Secretary:

Office of the Deputy Secretary: Associate Deputy Secretary
Office of Business Liaison: Director
Office of Consumer Affairs: Director
Office of the Assistant Secretary for Congressional and Intergovernmental Affairs: Deputy Assistant Secretary for Congressional Affairs
Office of the Inspector General: Counsel to the Inspector General, Deputy Counsel to the Inspector General
Office of the General Counsel: Deputy General Counsel, Assistant General Counsel for Administration Director, Office of Intelligence Liaison
Office of Public Affairs: Deputy Director
Office of the Under Secretary for Economic Affairs: Administrative Officer

Office of the Assistant Secretary for Administration:

Office of the Administrative Law Judge: Office Manager
Office of Finance and Federal Assistance: Director, Chief, Federal Assistance Division, Chief, Financial Management Division.
Office of Management and Organization: Director
Office of the Director for Planning, Budget and Evaluation: Director
Office of Budget: Director
Office of Program Planning and Evaluation: Director
Office of the Director for Personnel and Civil Rights: Director
Office of Personnel: Director
Office of Personnel Operations: Director
Office of Civil Rights: Director
Office of the Director for Management and Information Systems: Director
Chief, Information Management Division.
Office of the Director for Procurement and Administration Services: Director
Office of Procurement Management: Director
Office of Procurement Operations: Director
Office of Administrative Services Operations: Director
Office of Real Property Programs: Director
Office of Security: Director
Office of Small and Disadvantaged Business Utilization: Director

Bureau of the Census:

Associate Director for Management Services

Bureau of Economic Analysis:

Director

Economic Development Administration:

Chief Counsel
Assistant Chief Counsel
Regional Counsels

International Trade Administration:

International Economic Policy:
Director, Office of Policy Coordination
Director, Office of Multilateral Affairs
Director, Office of Africa
Director, Office of the Near East
Director, Office of South Asia
Director, Office of Western Europe
Director, Office of European Community Affairs
Director, Office of Eastern Europe and Soviet Affairs
Director, Office of South America
Director, Office of Mexico and the Caribbean Basin
Director, Office of Canada
Director, Office of the PRC and Hong Kong
Director, Office of the Pacific Basin
Director, Office of Japan
Trade Development:
Director, Office of World Fairs and International Expositions
Director, Office of Planning and Coordination
Director, Office of Computers and Business Equipment
Director, Office of Microelectronics and Instrumentation
Director, Office of Telecommunications
Director, Office of General Industrial Machinery
Director, Office of Special Industrial Machinery
Director, Office of International Major Projects
Director, Office of Trade and Investment Analysis
Director, Office of Industry Assessment
Director, Office of Trade Finance
Director, Office of Program and Resources Management
Director, Office of Service Industries
Director, Office of Export Trading Company Affairs
Director, Office of Forest Products and Domestic Construction
Director, Office of Metals, Minerals and Commodities
Director, Office of Energy
Director, Office of Chemicals and Allied Products
Director, Office of Automotive Industry Affairs
Director, Office of Consumer Goods
Director, Office of Textiles and Apparel
Deputy Assistant Secretary for Trade Adjustment Assistance
Director, Office of Aerospace Market Development
Director, Office of Aerospace Policy and Analysis
Trade Administration:
Director, Program Review Staff/Export Administration
Director, Office of Technology and Policy Analysis
Director, Office of Foreign Availability
Director, Office of Export Licensing
Director, Office of Industrial Resource Administration
Director, Office of Export Enforcement
Director, Office of Antiboycott Compliance
Director, Foreign Trade Zone Staff
Director, Statutory Import Programs Staff
Director, Office of Compliance
Director, Office of Investigations
Director, Office of Policy
Director, Office of Agreements Compliance
U.S. and Foreign Commercial Service:
Director, Caribbean Basin Business Information Center
Director, Office of Foreign Service Personnel
Deputy Assistant Secretary for Foreign Operations
Director, Office of Planning and Management
Director, Office of Marketing Programs
Director, Office of Information Support Systems
Director, Office of Information Product Development and Distribution
Manager of Export Promotion Services
Deputy Assistant Secretary for Domestic Operations
Administration:
Director, Office of Organization and Management Support
Director, Office of Personnel
Director, Office of Financial Management
Director, Office of Information Resources Management
Deputy Under Secretary for International Trade:
Director, Office of Public Affairs
Director, Congressional Affairs Staff

Minority Business Development Agency:

Assistant Director for Operations

National Bureau of Standards:

Deputy Director of Administration

National Oceanic and Atmospheric Administration:

Administrator
Associate Administrator
Director, Office of Public Affairs
Director, NOAA Corps
Assistant Administrator for Ocean Services and Coastal Zone Management
Assistant Administrator for Fisheries
Assistant Administrator for Weather Service
Assistant Administrator for Environmental Satellite, Data, and Information Service
Assistant Administrator for Oceanic and Atmospheric Research
Director, Environmental Research Laboratories
Director, Office of Administration
Director, National Capital Administrative Support Center
Director, Eastern Administrative Support Center
Director, Central Administrative Support Center
Director, Mountain Administrative Support Center
Director, Western Administrative Support Center

National Technical Information Services:

Director
Associate Director for Administration
Director, Office of Administrative Management
Manager, Management Analysis Division

National Telecommunications and Information Administration:

Deputy Assistant Secretary
Chief Counsel

Patent and Trademark Office:

Solicitor of Patents
Deputy Solicitor of Patents

United States Travel and Tourism Administration:

Under Secretary
Director, Office of Management and Administration

Dated: September 14, 1986.

Jessica J. Rickenbach,

Acting Chief, Information Management Division, Office of Information Resources Management.

[FR Doc. 86-20281 Filed 9-9-86; 8:45 am]

BILLING CODE 3510-CW-M

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15 CFR Part 4b

Privacy Act of 1984, Amendments to Appendices of Privacy Act Rules

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce revises Appendices A, B, and C to its Privacy Act Rules (15 CFR 4b.14). Appendices A and B list Department officials to whom individuals should address requests and appeals. Appendix C lists Government-wide systems of records noticed by other agencies.

EFFECTIVE DATE: September 10, 1986.

FOR FURTHER INFORMATION CONTACT: Mrs. Geraldine P. LeBoo, U.S. Department of Commerce, Office of Information Resources Management, Room 6622, Herbert C. Hoover Building, Washington, D.C. 20230 (202) 377-4217.

SUPPLEMENTARY INFORMATION: Revision to Appendices A and B were last published in the **Federal Register** at 47 FR 33680-33681. Since then, changes such as the position title of a Departmental official, redelegations, and internal reorganizations of the Department of Commerce have occurred.

Appendix A entitled "Officials to Receive Inquiries, Requests for Access and Requests for Correction or Amendment," is amended as follows:

i. The designation of Privacy Officer for the Office of the Inspector General and the Economic Development Administration was redelegated to a legal official within those organizations.

ii. An internal reorganization within the National Oceanic and Atmospheric Administration resulted in the redelegation of Privacy Officer to the Director, Office of Administration.

iii. An organizational title change occurred within an entity of the

International Trade Administration having Privacy Officer responsibility.

iv. The position title of the Privacy Officer for the Census Bureau was changed to Associate Director for Management Services.

v. Within the Minority Business Development Agency, the Privacy Officer responsibility was redelegated to the Assistant Director for Operations.

Appendix B, "Officials to Receive Appeals from Adverse Determination on Correction or Amendment," is amended as follows:

i. The Associate Director for Administration within the National Technical Information Service has been delegated as the Privacy Appeals Officer.

Appendix C entitled "Systems of Records Noticed by Other Agencies * * *" is revised to reflect reorganizations, and/or function transfers of applicable government agencies having government-wide systems of records.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date do not apply since these revisions of Appendices A and B pertain soley to internal agency management. This regulation is not significant under Executive Order 12291, "Federal Regulations."

List of Subjects in 15 CFR Part 4b

Privacy.

PART 4b—PRIVACY ACT

1. The authority citation for Part 4b continues to read as follows:

Authority: 5 USC 552a.

2. Appendices A, B, and C to Part 4b of Title 15 of the Code of Federal Regulations are revised to read as follows:

Appendix A—Officials To Receive Inquiries, Requests for Access and Requests for Correction or Amendment

For records in systems of records located in [1]—	*Privacy Officer*
The Office of the Secretary and all departmental staff offices	Chief, Information Management Division, Room 6622, Herbert C. Hoover Building, Washington, D.C. 20230.
Office of the Inspector General	Counsel to the Inspector General, Office of the Inspector General, Room 7892, Herbert C. Hoover Building, Washington, D.C. 20230.
Economic Affairs [2]	Privacy Act Officer, Office of Administration, Economic Affairs, Room 4079, Herbert C. Hoover Building, Washington, D.C. 20230.
Bureau of the Census	Associate Director for Management Services, Bureau of the Census, Room 2027, Federal Building 3, Washington, D.C. 20233.
Economic Development Administration	Assistant Chief Counsel, Economic Development Administration, Room 7001, Herbert C. Hoover Building, Washington, D.C. 20230.
International Trade Administration	Privacy Act Officer, Office of Organization and Management Support, International Trade Administration, Room 4102, Herbert C. Hoover Building, Washington, D.C. 20230.
Minority Business Development Agency	Assistant Director for Operations, Minority Business Development Agency, Room 6723, Herbert C. Hoover Building, Washington, D.C. 20230.
National Bureau of Standards	Deputy Director of Administration, National Bureau of Standards, Room A1105, Administration Building, Washington, D.C. 20234.
National Oceanic and Atmospheric Administration	Director, Office of Administration, National Oceanic and Atmospheric Administration, Room 1109, Herbert C. Hoover Building, Washington, D.C. 20230.
National Telecommunications and Information Administration	Director of Administration, National Telecommunications and Information Administration, Room 4717, Herbert C. Hoover Building, Washington, D.C. 20230.
National Technical Information Service	Manager, Management Analysis Division, National Technical Information Service, Room 209, Forbes Building, Springfield, Virginia 22161.
Patent and Trademark Office	Solicitor, Patent and Trademark Office, Room 12C08 Gateway 2, Crystal City, Virginia 20231.
United States Travel and Tourism Administration	Director, Office of Management and Administration, United States Travel and Tourism Administration, Room 1524, Herbert C. Hoover Building, Washington, D.C. 20230.

[1] If the location of the records within the Department is unknown, address the inquiry to the Privacy Officer for the Office of the Secretary.
[2] Economic Affairs includes: Office of the Under Secretary for Economic Affairs; Office of the Assistant Secretary for Productivity, Technology and Innovation; Office of Chief Economist; Office of Strategic Resources; Office of Business Analysis; Bureau of Economic Analysis. The Bureau of the Census, and the National Technical Information Service, which also fall organizationally under Economic Affairs, are listed separately.

Appendix B—Officials To Receive Appeals From Adverse Determination on Correction or Amendment

For records in systems of records located in—	*Privacy Appeals Officer*
The Office of the Secretary and all departmental staff offices	Assistant Secretary for Administration, Room 5830, Herbert C. Hoover Building, Washington, D.C. 20230.
Office of the Inspector General	Inspector General, Room 7898C, Herbert C. Hoover Building, Washington, D.C. 20230.
Economic Affairs	Under Secretary for Economic Affairs, Room 4848, Herbert C. Hoover Building, Washington, D.C. 20230.
Bureau of Economic Analysis	Director, Bureau of Economic Analysis, 1401 K Street, NW., Tower Building, Washington, D.C. 20230.
Bureau of the Census	Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Appendix B—Officials To Receive Appeals From Adverse Determination on Correction or Amendment—Continued

For records in systems of records located in—	*Privacy Appeals Officer*
Economic Development Administration	Assistant Secretary for Economic Development, Room 7800, Herbert C. Hoover Building, Washington, D.C. 20230.
International Trade Administration	Under Secretary for International Trade, Room 3850, Herbert C. Hoover Building, Washington, D.C. 20230.
Minority Business Development Agency	Director, Minority Business Development Agency, Herbert C. Hoover Building, Washington, D.C. 20230.
National Bureau of Standards	Director, National Bureau of Standards, Administration Building, Room A-1134, Washington, D.C. 20234.
National Oceanic and Atmospheric Administration	Administrator, National Oceanic and Atmospheric Administration, Herbert C. Hoover Building, Washington, D.C. 20230.
National Telecommunications and Information Administration	Assistant Secretary for Communications and Information, Room 4898, Herbert C. Hoover Building, Washington, D.C. 20230.
National Technical Information Service	Associate Director for Administration, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.
Patent and Trademark Office	Commissioner, Patent and Trademark Office, Washington, D.C. 20231.
United States Travel and Tourism Administration	Under Secretary for Travel and Tourism, Herbert C. Hoover Building, Washington, D.C. 20230.

Appendix C—Systems of Records Noticed by Other Federal Agencies and Applicable to Records of the Department and Applicability of This Part Thereto

Category of Records	*Other Federal Agency*
Federal Personnel Records	Office of Personnel Management.[1]
Federal Employee Compensation Act Program	Department of Labor.[2]
Equal Employment Opportunity Appeal Complaints	Equal Employment Opportunity Commission.[3]
Formal Complaints/Appeals of Adverse Personnel Actions	Merit Systems Protection Board.[4]

[1] The provisions of this part do not apply to these records covered by notices of systems of records published by the Office of Personnel Management for all agencies. The regulations of OPM alone apply.
[2] The provisions of this part apply only initially to these records covered by notices of systems of records published by the U.S. Department of Labor for all agencies. The regulations of that Department attach at the point of any denial for access or for correction or amendment.
[3] The provisions of this part do not apply to these records covered by notices of systems of records published by the Equal Employment Opportunity Commission for all agencies. The regulations of the Commission alone apply.
[4] The provisions of this part do not apply to these records covered by notices of systems of records published by the Merit Systems Protection Board for all agencies. The regulations of the Board alone apply.

Dated: September 4, 1986.

Jessica J. Rickenbach,

Acting Chief, Information Management Division, Office of Information Resources Management.

[FR Doc. 86-20315 Filed 9-9-86; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 111, 171, and 178

[T.D. 86-161]

Customs Regulations Amendments Relating to Customs Brokers; Correction

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 86-19256, published as T.D. 86-161 on August 26, 1986 (51 FR 30336), Parts 111, 171 and 178, Customs Regulations (19 CFR Parts 111, 171, 178), were extensively revised to implement the statutory changes made by the Trade and Tariff Act of 1984 relating to the regulations of customs brokers. Under the heading "Cancellation, Suspension or Revocation of License" on page 30339 of the **Federal Register**, top of the second column, it states that Customs has drafted guidelines for determining the maximum penalties for certain types of violations by brokers based upon the degree of culpability and seriousness of the violation, and that such guidelines are attached to the document to be incorporated as Appendix C of Part 171, Customs Regulations. However, these guidelines were inadvertently omitted from the document when it was published. Accordingly, this document further revises Part 171 to include the guidelines for the imposition of penalties for violation of 19 U.S.C. 1641, relating to brokers.

EFFECTIVE DATE: September 25, 1986.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter or Fred Burns O'Brien, Entry, Licensing and Restricted Merchandise Branch (202-566-5765).

Amendment to The Regulations

Part 171, Customs Regulations (19 CFR Part 171), as amended by T.D. 86-161, published in the **Federal Register** on August 26, 1986 (51 FR 30336), is further amended by adding the following on page 30346 in the third column preceding the amendments to Part 178, Customs Regulations (19 CFR Part 178).

PART 171—[AMENDED]

4. Part 171 is amended by adding Appendix C to read as follows:

Appendix C to Part 171, Customs Regulations—Guidelines for the Imposition of Penalties for Violations of 19 U.S.C. 1641

The Trade and Tariff Act of 1984 promulgated numerous changes to the current statute relating to customs brokers. Pursuant to the revised section 19 U.S.C. 1641, monetary penalties may be assessed against brokers or parties acting as brokers. The language of the new statute does not enumerate specific penalty amounts to be assessed for various transgressions. The following document attempts to define that conduct which is to be proscribed and to suggest penalty amounts to be assessed for such violations.

It should be noted that penalties for a violation or violations of the statute are limited to amounts not to exceed $30,000. EXCEPTION: Penalties incurred under section 1641(b)(6) are limited to $10,000 for each violation. Aggregate penalties under this section are limited to $30,000.

Note.—Unless otherwise noted, the assessment of penalties is an alternative sanction to revocation or suspension of the broker's license. The imposition of these penalties is always done at the discretion of the district director.

Section 1641(b)(6)—Conducting customs business without a license.

A. Customs business, as defined in subsection 1641(a), includes all transactions relating to entry and admissibility of merchandise including classification and valuation and the payment of duties, taxes or other charges assessed or collected by Customs. It also includes transactions relating to refund, rebate or drawback. Customs business does not relate to those transactions relating solely to the exportation or transportation of goods.

B. This section provides for a monetary penalty not to exceed $10,000 to be imposed against "Any person who intentionally transacts customs business, other than solely on the behalf of that person, without holding a valid customs broker's license granted to that person under this subsection . . . ". Separate penalties, each not exceeding $10,000 to a maximum aggregate of $30,000, may be imposed for each transaction occurring in violation of this provision. The $10,000 penalty also may be imposed for each violation of any other provision of section 1641.

C. Penalty amounts to be imposed for transacting customs business without a license are as follows:

1. No penalty action when importation is conducted on behalf of a family member. For purposes of this subsection "family member" is defined as a parent, child, spouse, sibling, grandparent, or grandchild.

2. No penalty action when *all* of the following are evident:

a. First violation
b. One time transaction
c. Non-commercial in nature (goods for personal use of another person other than a family member—not for resale)
d. Violator not remunerated for his action

Note.—A letter of warning should be issued indicating that further like conduct will result in penalty action

3. $250 penalty for:

a. Each repeat violation made under conditions listed above under subsection (2), or
b. First violation when transaction is non-commercial in nature but is conducted on behalf of any business entity (including associations, corporations and partnerships), for example:

i. an importation of office supplies made on behalf of a business entity is a non-commercial importation that would fall under this category of violation because the supplies would be used by business entity and are not for resale
ii. an importation of raw material or parts of merchandise that is to be manufactured, refined, or assembled here before resale would not be a non-commercial entry because the merchandise eventually will be resold, albeit in another form than that which it was entered
c. First violation where the importation is commercial in nature (i.e., imported merchandise is for resale), *or* where the violator is compensated for his action

4. $1,000 penalty for each repeat violation involving:

a. Commercial importation
b. Non-commercial importation made on behalf of a business entity
c. Non-commercial importation for which compensation is received by the violator

5. $10,000 penalty when:

a. Violator falsely holds himself out as being a licensed customs broker
b. A continuing course of conduct can be shown (determined by frequency of violations and/or number of entries involved) which would indicate that the violator is entering merchandise for others on a regular commercial basis

e.g., if the violator has incurred numerous penalties under subsections (2) and (3) above, but the smaller penalties have had no deterrent effect, the $10,000 penalty under this subsection should be assessed in an action separate from those smaller penalties

D. Important: As a general rule, a separate penalty should not be imposed for each unlawful Customs business transaction if numerous transactions occur contemporaneously. For example:

1. If an unlicensed individual files six commercial entries at one time, that should be treated as one violation. It should not be treated as six violations because the entries were presented contemporaneously.

2. However, if evidence exists to indicate that an unlicensed individual is filing numerous entries or is conducting numerous contemporaneous transactions so as to avoid multiple penalties, then the deciding official may, at his discretion, choose to impose multiple penalties.

3. If Customs discovers that an individual has conducted Customs business without a license on numerous occasions, but such individual acted without knowledge of the prohibition on such conduct, those numerous transactions should be treated as one violation for purposes of imposition of any penalty.

E. In no case involving a first violation should mitigation from the imposition of the penalty be granted, unless extraordinary mitigating circumstances can be shown.

F. Mitigation may be granted from penalties arising from a second or subsequent violation. For example, a significant lapse of time between violations would be considered a mitigating factor in the disposition of such penalties.

G. Intent to violate the law is not an element of this violation. Reference to "intentionally transacts customs business" in subsection 1641(b)(6) relates to the intentional transaction of the business itself, not to any intentional attempt to violate the terms of the statute.

Section 1641(d)(1)(A)—Making a false or misleading statement or an omission as to material fact in any application for a license or a permit.

A. If the license would not have been issued but for the false statement, the proper sanction would be suspension or revocation of the license. If the false or misleading statement would not have absolutely resulted in the denial, revocation or suspension of a license, then penalty sanctions are proper.

B. Material facts include but are not limited to:

1. Facts as to identity.

2. Facts as to citizenship status of an individual.

3. Facts as to moral character of an individual which relate to his fitness to conduct Customs business.

4. The organization of any corporation, association, or partnership.

5. The status of the license of a license holder who is a corporate officer or partner.

C. $5,000 penalty for each false statement.

D. Mitigation may be granted in these cases.

Section 1641(d)(1)(B)—Conviction of a broker of certain felonies or misdemeanors subsequent to filing an application for a license.

A. As a general rule, license revocation is the standard sanction for these violations. If monetary penalties are assessed, the following criteria should be used.

B. Unlawful conduct must relate to:

1. Importation or exportation of merchandise.

2. Conduct of customs business (this shall include violations relating to taxes and duties and documents required to be filed with regard to such taxes and duties).

3. For example, relevant convictions would be:

a. 18 U.S.C. 1001—making a false statement to Customs or any other agency with regard to any relevant transaction
b. 18 U.S.C. 545—unlawful importation of merchandise
c. 18 U.S.C. 542—unlawful importation by means of a fraudulent act or omission
d. 22 U.S.C. 2778—illegal exportation of munitions

C. Monetary penalties may not be imposed in connection with convictions relating to conduct described in subsection 1641(d)(1)(B)(iii). Either suspension or revocation is the appropriate penalty for these infractions.

D. $15,000 penalty for each misdemeanor conviction.

E. $30,000 penalty for each felony conviction.

F. Any sanction to be imposed under this subsection must be approved by Headquarters.

Section 1641(d)(1)(C)—Violation of any law enforced by the Customs Service or the rules or regulations issued under any such provision.

A. As a general rule, no penalty will be issued under this subsection when a personal penalty (*not* a claim for liquidated damages) against the violator is provided for by the other law being enforced by Customs.

Exception: If the violation of the other law enforced by Customs is intentional in nature, then penalties may be assessed under this subsection in addition to any sanctions provided by that other law.

e.g., a broker intentionally falsifies entry documents and presents them to Customs. He is found to have committed an intentional fraudulent violation under 19 U.S.C. 1592. He shall be liable for sanctions under this subsection in addition to any 1592 penalties. Had the 1592 violation been found to have resulted because of gross negligence or negligence, penalties pursuant to this subsection should not be imposed.

B. A penalty shall be imposed in situations where the other law violated only moves against property or the violator has demonstrated a continuing course of illegal conduct or evidence exists which indicates repeated violations of other statutes or regulations.

C. If the other law violated moves only against property, the violator shall incur a monetary penalty equal to the domestic value of such property or $30,000, whichever is less.

e.g., violations of 22 U.S.C. 401 for unlawful exportation of merchandise result in seizure and forfeiture of the violative merchandise. There are no penalty provisions which Customs enforces against parties responsible for the seizable offense. If brokers are recalcitrant and are constantly responsible for offenses which result in seizure of merchandise, a penalty equal to the domestic value of such merchandise (in no case to exceed $30,000) should be imposed.

D. If the evidence supports the finding of repeated statutory or regulatory violations or the intentional violation of any statute or regulation, penalties in addition to those provided for by the statute or regulation violated should be imposed as follows:

1. First violation involving a finding of a pattern of violations or a finding of an intentional violation—$1,000.

2. Second violation—$5,000 penalty.

3. Third and subsequent violations—$10,000.

E. Mitigation based on negligence standards is appropriate in these types of cases.

F. Examples of violations for which penalties described under subpart D are appropriate.

1. A broker continually submits incomplete entry summaries resulting in a high rejection rate. He incurs numerous claims for liquidated damages for late filing of entry summaries. Rather than revoke his ID privileges and place him on a cash only basis, the option is available to assess monetary penalties pursuant to this section for his continuing course of conduct in violating the Customs Regulations.

2. A broker consistently files entries claiming duty free entry of merchandise under GSP. He does not submit Forms A at the time of filing of the entry summary, relying on his bond assuring production of missing documents. The broker continually fails to submit the forms, resulting in liquidation of the entries as dutiable. Significant delay occurs between the filing of the original entry, payment of duties and liquidation. This consistent failure to comply with the Regulations with regard to filing of missing documents would warrant imposition of penalties under this subsection.

Section 1641(d)(1)(D)—Counseling, commanding, inducing, procuring or knowingly aiding and abetting violations by any other person of any law enforced by the Customs Service.

A. If the law violated by another moves only against property, a monetary penalty equal to the domestic value of such property or $30,000, whichever is less, may be imposed against the broker who counsels, commands, aids or abets such violation.

B. If the law violated provides for only a personal penalty against the actual violator, a penalty may be imposed against the broker in an amount equal to that assessed against the violator, but in no case can the penalty exceed $30,000.

C. All penalties assessed under this subsection may be imposed in addition to any penalties that may be assessed against the broker under the provisions of title 19, United States Code, section 1595a(b).

D. Examples of violations of this subsection:

1. A broker counsels a client that certain gemstones are absolutely free of duty and need not be declared upon entry into the United States. The client arrives in the United States and fails to declare a quantity of gemstones worth $45,000. A penalty of $30,000 may be imposed against the broker for such counseling. The client would incur a personal penalty of $45,000 under the provisions of title 19, United States Code, section 1497, but the penalty against the broker cannot exceed $30,000.

2. A client imports $15,000 worth of merchandise by vessel. The merchandise is unladen at the wharf but Customs has not appraised or released it. The broker informs the client that the merchandise can be moved and delivered to the consignee. The broker assures his client that he will handle all the necessary paperwork. The merchandise is moved from the wharf. The broker is subject to a $15,000 penalty for counseling and inducing his client to violate the provisions of title 19, United States Code, section 1448.

E. All penalties imposed under this subsection are subject to mitigation.

Section 1641(d)(1)(E)—Knowingly employing or continuing to employ any person who has been convicted of a felony, without written approval of such employment from the Secretary of the Treasury.

Ordinarily revocation or suspension of the license would be the appropriate remedy for this violation. Should such sanctions not be pursued then the following penalties should be assessed:

A. $25,000 penalty for knowingly employing any convicted felon without seeking approval for employment.

B. $30,000 penalty for knowingly employing any convicted felon and continuing to employ same after approval has been denied.

C. $5,000 penalty for knowingly employing any convicted felon and failing to make application with the Secretary approving such employment within 30 days of the date of discovery of the felony conviction.

D. Example: If a broker unknowingly employs a convicted felon and 1 year after employment discovers the existence of such a conviction, the following actions would dictate imposition of penalties:

1. He has 30 days to seek approval of the Secretary for such employment. If he seeks the approval within such time, no penalty action would lie.

2. If he seeks approval at some time after 30 days from the date of discovery, at $5,000 penalty would lie.

3. If he does not seek approval until after Customs becomes aware of the violation, a $25,000 penalty would lie.

4. If he seeks approval but is denied, and continues to employ the convicted felon, a $30,000 penalty would lie.

E. Mitigation will only be permitted from the $5,000 penalty.

F. The age of the conviction will not be a factor which would obviate the imposition of any penalty. It will be a factor when considering the grant of approval of employment that would be made by the Secretary.

G. Violation of this section will be *prima facie* evidence of a violation of section 1641(b)(4) relating to responsible supervision of customs business.

Section 1641(d)(1)(F)—In the course of customs business, with intent to defraud, knowingly deceiving, misleading or threatening any client or prospective client.

Ordinarily, revocation or suspension of the license would be the appropriate remedy for this violation. Should such sanctions not be pursued then the following guidelines with regard to assessment of penalties should be followed:

A. An unsubstantiated accusation by a client is inadequate reason to assess any penalty under this section.

B. A $30,000 penalty should be imposed for any violation of this subsection.

C. Inasmuch as evidence of intent must be shown before a penalty can be imposed, no mitigation should be permitted if a violation is found to lie. A petition for mitigation could be entertained only on the issue of whether such violation did, in fact, occur.

Section 1641(b)(5)—The failure of a customs broker that is licensed as a corporation, association or partnership to have, for any continuous period of 120 days, at least one officer of the corporation or association or one member of the partnership validly licensed.

A. Important: Violation of this section results in the revocation of the broker's license by operation of law.

B. A penalty of $10,000 pursuant to section 1641(b)(6) should be imposed because the revocation by operation of law results in the broker conducting Customs business without a license. No penalty liability would be incurred specifically under section 1641(b)(5).

Section 1641(c)(3)—Failure of a customs broker granted a permit to conduct business in a certain district to employ, for a continuous period of 180 days, at least one individual who is licensed within the district or region.

A. Important: Violation of this section results in the revocation of the permit by operation of law.

B. The same parameters should be followed for imposition of penalties under this section as those established under section 1641(b)(5).

C. Important: The new law as it pertains to permits (sections 1641(c)(1)(B) and 1641(c)(2)) does not take effect until October 12, 1987. Penalties or sanctions for violation of this section can only be issued if the violation occurs subsequent to that effective date.

Section 1641(b)(4)—Failure of a licensed broker to exercise responsible suspervision and control over the business it conducts.

A. Standards of responsible supervision and control shall be issued by Commissioner of Customs. Regulatory authority to set such standards is provided by new section 1641(f).

B. The following penalty amounts shall be assessed against brokers who fail to exercise responsible supervision and control over business conducted at a district level:

1. A penalty of $1,000 against any broker employing an individual who violates any provision of section 1641. Such violation shall be *prima facie* evidence of a failure to exercise responsible control.

2. A penalty of $5,000 against any broker who, when requested, is unable to produce documents relating to specific Customs business.

3. A penalty of $5,000 against any broker who is unable to satisfy the deciding Customs official that he has a working knowledge of any operation for which he is licensed to do business. Failure to have such working knowlege shall be *prima facie* evidence of a lack of responsible supervision and control. Such working knowledge must include:

a. A working knowledge of all automated systems in use in the district including ABI, where applicable
b. A knowledge of the cash flow procedures in each district of operation
c. Retention of all surety bonds in the proper form and in sufficient dollar amounts
d. Continuous monitoring to ensure timely payment of all obligations including duties, taxes and refunds
e. Knowledge of backgrounds and performance of all employed personnel in the region (failure to perform this function could result in penalties assessed under 1641(d)(1)(E))
f. Knowledge of filing systems and document record storage in each district
g. Knowledge of any other ancillary operation of which the district director has reason to inquire

4. A penalty of $10,000 against any broker who is found to have failed to maintain satisfactory accounting records or records of documents filed with Customs on any matter.

C. Penalties issued in accordance with subsection (B) are subject to mitigation through use of a standard of culpability based on negligence.

D. The following factors shall be indicative of a lack of supervision or lack of working knowledge of Customs procedures (the list is not conclusive):

1. A high rate of entry rejections.

2. A high rate of late filing liquidated damages cases.

3. A high number of missing document cases.

4. An inordinate number of entries for which free entry is claimed, but no documentation supporting such claim is submitted, resulting in liquidation of the entries as dutiable.

5. Inability to assist or failure to cooperate with an audit, including failure to provide all records and any other necessary information to assist auditors.

6. Incurrence of liquidated damages claims which exceed the amount of any term bonds.

7. Evidence to indicate that timely duty refunds to clients are not made and adequate records of same are not kept.

8. Employing a licensed individual for a minimal number of days each 120 or 180-day period (see, sections 1641(b)(5) and 1641(c)(3)) so as to avoid violation of the statute.

a. For purposes of imposition of penalties under this subsection, a minimal number of days shall be 10 working days per each 120-day period or 15 working days per each 180-day period
b. It shall be presumed that temporary employment of such a licensed individual is undertaken solely to avoid revocation of a license or permit. Such minimal employment shall be *prima facie* evidence of lack of supervision

E. The provisions of new section 1641(c)(2) do not take effect until 3 years from the date of enactment of the statute. As such, no penalties imposed in accordance with the preceding subsection (D) of this outline can be assessed until that time.

Monetary penalties are not appropriate for any violation involving the mere failure to file the triennial report as required by new section 1641(g); however, failure to file such a document could result in revocation or suspension of the broker's license.

Notwithstanding any current delegation of authority, authority to impose penalties under 19 U.S.C. 1641 shall be retained by the Commissioner until formal delegation occurs.

Dated: August 29, 1986.

Marvin M. Amernick,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 86-20393 Filed 9-9-86; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 86N-0277]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Editorial Amendment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations by removing certain limitations on the use of an additive as a component of olefin polymers intended to contact food. FDA adopted a final rule removing these limitations in the **Federal Register** of August 29, 1983 (48 FR 39058), but inadvertently included them when it republished the regulation in the **Federal Register** of April 4, 1984 (49 FR 13345). FDA is now correcting that inadvertent error.

DATES: Effective September 10, 1986; objections by October 10; 1986.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: FDA recently discovered that the codified version of one of its regulations contains limitations that the agency eliminated several years ago. In a final rule published in the **Federal Register** of August 29, 1983 (48 FR 39058), FDA amended § 178.2010 (21 CFR 178.2010) to remove certain temperature limitations on the use of di-*tert*-butylphenyl phosphonite condensation product with biphenyl as a component of olefin polymers intended to contact food. In the **Federal Register** of April 4, 1984 (49 FR 13345), FDA again amended § 178.2010, this time to provide for a new use of this additive as an antioxidant and/or stabilizer in polycarbonate resins complying with 21 CFR 177.1580. However, the April 4, 1984, regulation inadvertently contained the food use limitations that the agency had deleted in the August 29, 1983, final rule. To remedy this situation, FDA is amending § 178.2010 to remove the limitations that were inadvertently reimposed on April 4, 1984.

This final rule is being promulgated under the authority of sections 201 and 409 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 and 348), which require that the agency consider objections to final rulemaking. The act also requires that FDA propose any changes that it makes on its own initiative in the regulations. However, FDA is dispensing with such notice in

this case because it is not making a substantive change but is merely correcting an inadvertent error.

Any person who will be adversely affected by this regulation may at any time on or before (October 10, 1986) file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 178.2010(b) table by revising limitation 1 for "Di-*tert*-butylphenyl phosphonite condensation product with biphenyl" to read as follows. The substance entry in the first column is republished.

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Di-*tert*-butylphenyl phosphonite condensation product with biphenyl (CAS Reg. No. 38613-77-3) produced by the condensation of 2,4-di-*tert*-butylphenol with the Friedel-Crafts addition product (phosphorus trichloride and biphenyl) so that the food additive has a minimum phosphorus content of 5.4 percent, an acid value not exceeding 10 mg KOH/gm, and a melting range of 85 °C to 110°C (185°F to 320 °F).	For use only: 1. At levels not to exceed 0.1 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, item 1.1, 2.1, 2.2, 3.1, or 3.2.
* * * * *	

Dated: September 2, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–20325 Filed 9–9–86; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 331 and 332

[Docket No. 84N–0144]

Antacid and Antiflatulent Drug Products for Over-the-Counter Human Use; Amendment of Monographs; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the final rule that amended the monographs for over-the-counter (OTC) antacid and antiflatulent drug products by adding new sections that will exempt certain antacid, antiflatulent, and antacid/antiflatulent combination drug products from that part of the accidental overdose warning required by § 330.1(g) (21 CFR 330.1(g)) that states, "In case of accidental overdose, seek professional assistance or contact a poison control center immediately" (51 FR 27762; August 1, 1986). The docket number appeared incorrectly. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Lola E. Batson, Regulations Editorial Staff (HFC–222), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 86–17181 appearing at page 27762 in the **Federal Register** of Friday, August 1, 1986, at the top of the first column, "Docket No. 85N–0093" is corrected to read "Docket No. 84N–0144."

Dated: September 2, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–20324 Filed 9–9–86; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300147A/300148A; FRL–3076–5]

Technical Amendments; Definition and Interpretation of Certain Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA or Agency).

ACTION: Final rule.

SUMMARY: This rule amends 40 CFR 180.1(h) by defining the crop terms "endive" and "peas, peas (dry) and peas (succulent)". The amendments, to clarify and update the relationship between crops' general category definitions and specific commodities under each definition, was submitted by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on September 10, 1986.

ADDRESS: Written objections, identified by the document control number [OPP–300147A/300148A], may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Jack Housenger, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number:

Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1806).

SUPPLEMENTARY INFORMATION: The EPA issued notices of proposed rulemaking, published in the **Federal Register** of June 11, 1986, which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted requests to EPA on behalf of Dr. Robert H. Kupelian, National Director and the IR–4 Technical Committee, requesting that the Agency, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose

that 40 CFR 180.1(h) be amended by adding: (1) The general crop category "endive" to column A and the specific raw agricultural commodities "endive, escarole" to column B (51 FR 21186); and (2) the general categories, "peas, peas (dry) and peas (succulent)" to column A and the specific raw agricultural commodities *Cajanus cajan* (includes pigeon peas); *Cicer* spp (includes chick peas and garbanzo beans); *Pisum* spp (includes dwarf peas, garden peas, green peas, English peas, field peas, and edible pod peas) to column B (51 FR 21187).

As stated in the proposed rule, IR–4 supports the amendment in the case of endive in that (1) endive and escarole are of the same species, *Cichorium endivia;* (2) both are listed in the crop group "leafy vegetables (except *Brassica* vegetables)" in 40 CFR 180.34(f)(9)(iv) as "endive (escarole)"; and (3) the growth habits and cultural practices for endive and escarole are similar.

In the case of peas, IR–4 pointed out that (1) "peas" should be precisely defined, as follows: *Cajanus cajan* (includes pigeon peas); *Cicer* spp (includes chick peas and garbanzo beans); *Pisum* spp (includes dwarf peas, garden peas, green peas, English peas, field peas and edible pod peas)"; (2) chick peas and garbanzo beans would be classified in both the bean and pea categories and would receive dual, i.e., pea and bean, classification; and (3) the plants are similar in growth habits, and their cultural practices are similar.

There were no comments or requests for referral to an advisory committee received in response to the proposed rules.

Based on the information considered, the Agency concludes that the amendments will protect the public health. Therefore, 40 CFR 180.1(h) is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objectives. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: August 27, 1986.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.1(h) is amended by alphabetically inserting "endive" and "pea, peas (dry) and peas (succulent)" in column A and adding the specific raw agricultural commodity definitions in the corresponding column B to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(h) * * *

A	B
* * * * *	
Endive	Endive, escarole.
* * * * *	
Peas	*Cajanus cajan* (includes pigeon peas); *Cicer* spp (includes chick peas and garbanzo beans); *Pisum* spp (includes dwarf peas, garden peas, green peas, English peas, field peas, and edible pod peas). [Note: A variety of pesticide tolerances have been previously established for peas and/or beans. Chick peas/garbanzo beans are now classified in both the bean and the pea categories. For garbanzo beans/chick peas, ONLY the highest established pea or bean tolerance will apply to pesticide residues found on this commodity.]
Peas (dry)	All peas in dry form only.
Peas (succulent)	All peas in succulent form only.
* * * * *	

[FR Doc. 86–20258 Filed 9–9–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85–378; RM–4978]

Radio Broadcasting Services; Sturgeon Bay, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action allots FM Class C2 Channel 259 as a substitute for Channel 261A at Sturgeon Bay, Wisconsin and modifies the license of Station WSBW(FM) (Channel 261A) to specify operation on channel 259C2. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 10, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85–378, adopted August 8, 1986, and released September 3, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202, the table of allotments is amended, under Wisconsin, by revising Channel 261A to 259C2 for Sturgeon Bay.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–20351 Filed 9–9–86; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 86–31, RM–5173]

Radio Broadcasting Services; Lahoma, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 239A to Lahoma, Oklahoma, as the community's first local FM service, at the request of Donna Clark. The channel can be allocated in compliance with the Commission's minimum distance separation requirements without the imposition of a site

restriction. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 6, 1986. The period for filing applications will open on October 7, 1986, and close on November 5, 1986.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86–31, adopted August 22, 1986, and released August 29, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202, paragraph (b), the table of allotments is amended by adding Lahoma, Oklahoma, Channel 239A.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–20350 Filed 9–9–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

[Docket No. 50694–5094]

High Seas Salmon Fishery Off Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of commercial fishery opening.

SUMMARY: NOAA issues this notice opening the fishery conservation zone (FCZ) off Southeastern Alaska to commercial fishing for chinook salmon. This action is necessary to allow fishermen more time to harvest the number of chinook salmon authorized by the Pacific Salmon Commission. This action is a conservation and management measure intended to fully utilize the chinook salmon resources available.

DATES: Effective 0001 hours Alaska Daylight Time (ADT), September 1, 1986, through 2400 hours ADT on September 20, 1986. Public comments on this notice are invited until September 20, 1986.

ADDRESS: Send comments to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the comment period, the data upon which this notice is based will be available for public inspection during business hours (0800 to 1630 ADT, Monday through Friday) at the NMFS Alaska Regional Office, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Chief, Fisheries Management Division, NMFS), 907–586–7228.

SUPPLEMENTARY INFORMATION: Salmon fishing in the FCZ off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude (FMP). This FMP was developed and amended by the North Pacific Fishery Management Council (Council) and is implemented by NOAA through regulations appearing at 50 CFR Part 674.

In March 1986, the Pacific Salmon Commission limited the 1986 chinook salmon harvest by all fisheries in Southeastern Alaska to 254,000 fish, exclusive of the harvest of chinook salmon resulting from Alaska' s new enhancement activities. A final rule announcing this limit and setting the 1986 base fishing periods for salmon was published on July 21, 1986 (51 FR 26159). The commercial salmon fishery in the FCZ began on June 20, 1986.

On July 9, 1986, the Secretary of Commerce (Secretary) closed a small area of the FCZ to commercial salmon fishing (51 FR 25528, July 15, 1986) to slow the rate at which chinook salmon were being harvested so that the number harvested did not exceed the limit imposed by the Pacific Salmon Commission. The notice stated that if the actual number of chinook salmon harvested fell considerably short of the limit before the season ended on September 20, 1986, then NMFS might reopen the closed area to allow the troll fishery to harvest the remainder of its quota.

On July 30, 1986, the Secretary closed an area between Cape Cross and Cape Fairweather to all commercial salmon fishing to protect coho salmon returning to the northern inside areas of Southeastern Alaska (51 FR 27860, August 4, 1986).

On August 11, 1986, NOAA closed the entire FCZ to all commercial salmon fishing for 10 days (51 FR 29107, August 14, 1986). This closure was intended to allow coho salmon to escape the ocean and coastal fishery so they could move to inside waters and the spawning grounds.

As of August 20, 1986, the estimated harvest of chinook salmon in Southeastern Alaska by all fisheries amounted to 211,000, exclusive of the harvest of 9,000 chinook salmon from Alaska's new enhancement facilities. Thus, the 211,000 harvest of chinook salmon as of August 20 fell short of the 254,000 chinook salmon limit set by the Pacific Salmon Commission by approximately 43,000 chinook salmon. Because a substantial number of chinook salmon remained available for harvest, the Secretary reopened the troll fishing season for chinook salmon for 6 days from August 21 until August 26 (51 FR 30365, August 26, 1986).

Analyses of catches from the 6-day period between August 21 and 26 show a marked decrease in catch rate of chinook salmon. Alaska Department of Fish and Game salmon managers now estimate that 15,000 to 20,000 chinook salmon remain to be caught under the Pacific salmon treaty provisions. Therefore, the Secretary is again opening the FCZ off Southeastern Alaska to commercial fishing for chinook salmon until the scheduled end of the commercial salmon fishing season on September 20, 1986, or until the 254,000 plus hatchery add-on chinook salmon quota is achieved, whichever occurs first.

Regulations implementing the FMP at § 674.23(a) provide that the Secretary may modify the time and area limitations governing the fishery whenever such modification is based upon a determination by the NMFS Director, Alaska Region (Regional Director) that the condition of any salmon species in any part of the management area is substantially different from the condition anticipated in the FMP and this difference reasonably requires a modification of time or an area limitation if salmon of any species are to be adequately conserved and managed. In making this determination, the Regional Director may consider any of the following factors:

(a) The effect of overall fishing effort within any part of the management area;

(b) Catch-per-unit-of-effort and rate of harvest;

(c) Relative abundance of salmon stocks within the management area;

(d) Condition of salmon stocks throughout their ranges; and

(e) Any other factors relevant to the conservation of salmon.

Having reviewed the evidence of the 1986 harvest of chinook salmon, the Secretary has determined that the effect of overall fishing effort in the FCZ, the catch-per-unit-of-effort, the high rate of harvest, and the relative abundance of chinook stocks within the FCZ portion of the management area indicate that the condition of chinook stocks is substantially different from the condition anticipated in the FMP. He has also found that this difference reasonably requires a modification of time or area limitations if chinook stocks are to be conserved and managed adequately. Therefore, the Secretary is implementing reopening of the chinook fishery as prescribed by this action.

Other Matters

The Assistant Administrator for Fisheries, NOAA, has determined that the chinook harvest in Southeastern Alaska will fall short of the Pacific Salmon Treaty limit unless this notice takes effect promptly. He finds, therefore, that it would be impracticable and contrary to the public interest to provide advance notice and a prior opportunity for public comment or to delay for 30 days the effective date of this notice under the provisions of 5 U.S.C. 553 (b) and (c).

This action is authorized by 50 CFR Part 674 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 674

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 5, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-20327 Filed 9-5-86; 10:27 am]

BILLING CODE 3510-22-M

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50 CFR Part 683

[Docket No. 60583-6128]

Western Pacific Bottomfish and Seamount Groundfish Fisheries; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects paragraph designations in the regulatory text of the final rule implementing the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region which was published July 31, 1986, 51 FR 27413.

FOR FURTHER INFORMATION CONTACT: William B. Jackson, Fisheries Management Officer, NMFS, 202-673-5315.

Dated: September 5, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

The following corrections are made in FR Doc. 86-17211 appearing on page 27418 in the issue of July 31, 1986:

§ 683.9 [Corrected]

In § 683.9 on page 27418, column 1, paragraphs "(d)" through "(h)" are correctly designated "(e)" through "(i)" respectively.

[FR Doc. 86-20381 Filed 9-9-86; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 175
Wednesday, September 10, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Amendment to the Weight Adjustment (Moisture) System for Certain Seedless Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on an amendment to the weight adjustment (moisture) system for certain seedless raisins. Currently, producers who deliver raisins to handlers with moisture levels between 10.0 and 13.9 percent moisture receive a weight credit (bonus tonnage) for such raisins. This action would allow producers to also receive a weight credit for raisins delivered below the 10 percent moisture level, thereby receiving a larger payment for those raisins. This proposal was unanimously recommended by the Raisin Administrative Committee, which works with the USDA in administering the marketing order.

DATE: Comments must be received by September 25, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250 (202) 447-5697.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2085, South Building, Washington, DC 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the office of the Docket Clerk during regular business hours.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation No. 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that 23 handlers of California raisins under the marketing order for raisins produced from grapes grown in California will be subject to regulation during the course of the current season and that the great majority of these firms may be classified as small entities. This action would lower the minimum moisture level allowable for producers to reveive a weight credit under the weight adjustment system for Natural (sundried) Seedless and Monukka raisins. Producers are paid for their raisins by weight, so a weight credit increases their returns and encourages the delivery of additional low moisture raisins. Handlers will benefit from this proposed regulation since more low moisture raisins are expected to be delivered. The Committee believes that new processing technology and improved blending of raisins have reduced the problems of processing and packing lower moisture raisins.

The weight adjustment (moisture) system was established on August 28, 1985, (50 FR 35769) to encourage raisin producers to deliver lower moisture Natural (sun-dried) Seedless and Monukka raisins to handlers (i.e., in the 10 to 14 percent moisture range). The industry has found that higher maturity raisins of these varietal types with a moisture level in excess of 14 percent tend to sugar if held in storage for extended periods of time. Sugaring is an undesirable characteristics because the raisins feel gritty, rather than soft and pliable, when eaten. Increasing the storage life of raisins is important to the industry because of the industry's current oversupply situation and the potential for continued levels of overproduction in the immediate future. This situation has resulted in raisins being held for longer periods of time in the industry's reserve pools.

Under the current system, growers delivering lots of raisins to handlers containing 14.1 through 16.0 percent moisture receive a weight dockage, whereas growers delivering raisins with 12.1 through 13.9 percent moisture receive a weight credit of 2 pounds of raisins per ton for each $\frac{1}{10}$ percent moisture under 14.0 percent. Raisins with a moisture percentage of 10.0 through 12.0 percent receive a weight credit for 40 pounds per ton.

The Committee has recommended that the minimum allowable percentage (10.0 percent) to obtain a weight credit be eliminated. Currently, producers who deliver raisins below the 10.0 percent moisture receive no such weight credit. This change would allow producers to also receive a weight credit for raisins delivered below the 10.0 percent moisture level. Therefore, raisin deliveries with a moisture level of 12.0 percent or lower would receive a weight credit of 40 pounds per ton.

Comments on this proposal will be accepted until September 25, 1986. A 15-day comment period is considered adequate because the final rule should be issued prior to deliveries of the 1986-87 raisin crop in order to allow producers to plan accordingly. Deliveries of raisins usually begin in mid-September.

This proposed rule is issued under Marketing Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins.

PART 989—[AMENDED]

1. The authority citation for 7 CFR Part 989 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 989.211, paragraphs (a) and (c) would be revised to read as follows:

Subpart—Supplementary Regulations

§ 989.211 Weight adjustment (moisture) system.

(a) *General.* Natural (sun-dried) Seedless, and Monukka raisins containing from 14.1 percent through 16.0 percent moisture or 13.9 percent or lower moisture may be acquired by a handler under a weight adjustment system. The creditable weight of each lot of raisins acquired under this adjustment system shall be obtained by multiplying the net weight of the raisins in the lot by the applicable factor prescribed in paragraphs (b) or (c) of this section.

(b) * * *

(c) *Adjustment table for Natural (sun-dried) Seedless and Monukka raisins with 13.9 percent moisture or lower:*

Percent moisture	Adjustment factor
14.0	1.000
13.9	1.001
13.8	1.002
13.7	1.003
13.6	1.004
13.5	1.005
13.4	1.006
13.3	1.007
13.2	1.008
13.1	1.009
13.0	1.010
12.9	1.011
12.8	1.012
12.7	1.013
12.6	1.014
12.5	1.015
12.4	1.016
12.3	1.017
12.2	1.018
12.1	1.019
12.0—or lower	1.020

Note.—No adjustment for deliveries at 14 percent moisture.

Dated: September 4, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division.

[FR Doc. 86–20331 Filed 9–9–86; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

Uranium Mill Tailings Regulations; Extension of Comment Period for Ground-water Protection and Other Issues

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On July 8, 1986 (51 FR 24697), the Nuclear Regulatory Commission (NRC) published for public comment a proposed rule to amend its regulations governing the disposal of uranium mill tailings. The proposed changes are intended to incorporate into existing NRC regulations the ground-water protection regulations published by the Environmental Protection Agency for these wastes. The comment period for this proposed rule was to have expired on September 8, 1986. The American Mining Congress has requested a 60-day extension of the comment period to allow the results of its workshop held on August 26 and 27 to be factored into its comments. In view of the complexity and importance of the proposed rule and the desire of the Commission to allow all parties to fully express their views, the NRC has decided to extend the comment period as requested. The extended comment period now expires on Friday, November 7, 1986.

DATES: The comment period has been extended and now expires November 7, 1986. Comments received after this date will be considered if it is practical to do so but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Send written comments or suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Fonner, Office of the General Counsel, on (301) 492–8692, or Kitty S. Dragonette, Division of Waste Management on (301) 427–4300, U.S. Nuclear Regulatory Commission, Washington, DC. 20555.

Dated at Washington, DC. this 5th day of September, 1986.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary to the Commission.

[FR Doc. 86–20372 Filed 9–9–86; 8:45 am]

BILLING CODE 7550-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-3077-7]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) today is proposing to exclude the solid wastes generated at one facility from the list of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific basis" from the hazardous waste line. The effect of this action, if promulgated, would be to exclude certain wastes generated at one particular facility from listing as hazardous wastes under 40 CFR Part 261.

The Agency has previously evaluated the petition which is discussed in today's notice. Based on our review at that time, this petitioner was granted a temporary exclusion. Due to changes to the delisting criteria required by the Hazardous and Solid Waste Amendments of 1984, however, this petition for which we propose to grant an exclusion has been evaluated both for the factors for which the wastes were originally listed, as well as all other factors and toxicants which might reasonably cause the wastes to be hazardous.

DATES: EPA will accept public comments on this proposed exclusion until October 10, 1986. Comments postmarked after the close of the comment period will be stamped "late".

Any person may request a hearing on this proposed exclusion by filing a request with Bruce R. Weddle, whose address appears below, by September 25, 1986. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Comments should be sent

to the Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Requests for a hearing should be addressed to Bruce R. Weddle, Director, Permits and State Programs Division, Office of Solid Waste (WH–563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Communications should identify the regulatory docket number: "F–86–GCPE–FFFFF".

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street SW., (sub-basement) Washington, DC 20460, and is available for viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays. Call Mia Zmud at (202) 475–9327 or Kate Blow at (202) 382–4675 for appointments. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost $.20 per page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information, contact Lori DeRose, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382–5096.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit any of the characteristics of hazardous wastes identified in Subpart C of Part 261 (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure [EP] toxicity) or meet the criteria for listing contained in 40 CFR 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To be excluded, petitioners must show that a waste generated at their facility does not meet any of the criteria under which the waste was listed. (See 40 CFR 260.22(a) and the background documents for the listed wastes.) In addition, the Hazardous and Solid Waste Amendments of 1984 (HSWA) require the Agency to consider factors (including additional constituents) other than those which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics, as well as present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. (See 40 CFR 260.22(a); section 222 of the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6921(f); and the background documents for the listed wastes.) Although wastes which are "delisted" (*i.e.*, excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of a hazardous waste, generators remain obligated to determine whether their waste remains non-hazardous based on the hazardous waste characteristics.

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See 40 CFR 261.3 (c) and (d)(2).) Again, the substantive standard for "delisting" is: (1) That the waste not meet any of the criteria for which it was listed originally; and (2) That the waste is not hazardous after considering factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Where the waste is derived from one or more listed hazardous waste, the demonstration may be made with respect to each constituent or the waste mixture as a whole. (See 40 CFR 260.22(b).) Generators of these excluded treatment, storage, or disposal residues remain obligated to determine whether these residues exhibit any of the hazardous waste characteristics on a periodic basis.

Approach Used to Evaluate Delisting Petitions

The Agency first will evaluate the petition to determine whether the waste (for which the petition was submitted) is non-hazardous based on the criteria for which the waste was originally listed. If the Agency believes that the waste is still hazardous (based on the original listing criteria), it will propose to deny the petition. If, however, the Agency agrees with the petitioner that the waste is non-hazardous with respect to the criteria for which the waste was listed, it then will evaluate the waste with respect to other factors or criteria, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous.

The Agency is using a hierarchical approach in evaluating petitions for the other factors or contaminants (*i.e.*, those listed in Appendix VIII of Part 261). This approach may, in some cases, eliminate the need for additional testing. The petitioner can choose to submit a raw materials list and process descriptions. The Agency will evaluate this information to determine whether any Appendix VIII hazardous constituents are used or formed in the manufacturing and treatment process and are likely to be present in the waste at significant levels. If so, the Agency then will request that the petitioner perform additional analytical testing. If the petitioner disagrees, he may present arguments on why the toxicants would not be present in the waste, or, if present, why they would pose no toxicological hazard. The reasoning may include descriptions of closed or segregated systems, or mass balance arguments relating volume of raw materials used to the rate of waste generation. If the Agency finds that the arguments presented by the petitioner are not sufficient to eliminate the reasonable likelihood of the toxicant's presence in the waste, the petition would be tentatively denied on the basis of insufficient information. The petitioner then may choose to submit the additional analytical data on representative samples of the waste during the public comment period.

Rather than submitting a raw materials list, petitioners may test their waste for any additional toxic constituents that may be present and submit this data to the Agency. In this case, the petitioner should submit an explanation of why any constituents from Appendix VIII of Part 261, for which no testing was done, would not be present in the waste or, if present, why they would not pose a toxicological hazard.

In making a delisting determination, the Agency evaluates each petitioned waste against the listing criteria and factors cited in 40 CFR 261.11(a)(2) and (a)(3). Specifically, the Agency considers whether the waste is acutely toxic, as well as the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate the bioaccumulate, their presistence in the environment once released from the waste, plausible types of management of

the waste, and the quantities of waste generated. In this regard, the Agency has developed an analytical approach to the evaluation of wastes that are landfilled and land treated. See 50 FR 7882 (February 26, 1985), 50 FR 48886 (November 27, 1985), and 50 FR 48943 (November 27, 1985). The overall approach, which includes a ground water transport model, is used to predict reasonable worst-case contaminant levels in ground water in nearby receptor wells (*i.e.*, the model estimates the ability of an aquifer to dilute the toxicant from a specific volume of waste). The land treatment model also has an air component and predicts the concentration of specific toxicants at some distance downwind of the facility. The compliance point concentration determined by the model then is compared directly to a level of regulatory concern. If the value at the compliance point predicted at the model is less than the level of regulatory concern, then the waste could be considered non-hazardous and a candidate for delisting. If the value at the compliance point is above this level, however, then the waste probably still will be considered hazardous, and not excluded from Subtitle C control.[1]

This approach evaluates the petitioned wastes by assuming reasonable worst-case land disposal scenarios. This approach has resulted in the development of a sliding regulatory scale which suggests that a large volume of waste exhibiting a particular extract level would be considered hazardous, while a smaller volume of the same waste could be considered non-hazardous.[2] The Agency believes this to be a reasonable outcome since a larger quantity of the waste (and the toxicants in the waste) might not be diluted sufficiently to result in compliance point concentrations that are less than the level of regulatory concern. The selected approach predicts that the larger the waste volume, the higher the level of toxicants at the compliance point. The mathematical relationship (with respect to ground water) yields at least a six-fold dilutation of the toxicant concentration initially entering the aquifer (*i.e.*, any waste exhibiting extract levels equal to or less than six times a level of regulatory concern will generate a toxicant concentration at the compliance point equal to or less than the level of regulatory concern). Depending on the volume of waste, an additional five-fold dilution may be imparted, resulting in a total dilution of up to thirty-two times.

The Agency is using this approach as one factor in determining the potential impact of the unregulated disposal of petitioned waste on human health and the environment. The Agency has used this approach in evaluating wastes proposed for exclusion in today's publication. As a result of this evaluation, the Agency is proposing to grant the petition discussed in this notice.

It should be noted that EPA has not verified the submitted test data before proposing to grant these exclusions. The sworn affidavits submitted with each petition bind the petitioners to present truthful and accurate results. The Agency, however, has initiated a spot sampling and analysis program to verify the representative nature of the data for some percentage of the submitted petitions before final exclusions will be granted.

Finally, before the Hazardous and Solid Waste Amendments of 1984, the Agency granted temporary exclusions without first requesting public comment. The Amendments specifically require the Agency to provide notice and an opportunity for comment before granting a final exclusion. Thus, a final exclusion will not be granted for the petition proposed today until all public comments (including those at requested hearings, if any) are addressed.

Petitioners

The proposed exclusion published today involves the following petitioners:

General Cable, Muncie, Indiana.

I. General Cable Company

A. Petition for Exclusion

General Cable Company, Indiana Steel and Wire Division (General Cable), operates a steel wire finishing facility in Muncie, Indiana. General Cable has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Wastes Nos. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) Tin plating on carbon steel; (3) Zinc plating (segregated basis) on carbon steel; (4) Aluminum or zinc-aluminum plating on carbon steel; (5) Cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) Chemical etching and milling of aluminum; and K062—Spent pickle liquor from steel finishing operations.[3] The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed), while the listed constituents for EPA Hazardous Waste No. K062 are hexavalent chromium and lead.

Based on the Agency's original review of the petition, General Cable was granted a temporary exclusion on December 16, 1981 (see 46 FR 61277). The basis for granting the temporary exclusion (at that time) was the low levels of the constituents of concern—namely, cadmium, hexavalent chromium, lead, nickel, and complexed cyanides. Since that time, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was originally listed, if the Agency has a reasonable basis to believe that such factors are present and could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated General Cable's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) Evaluate the waste for other factors (other than those for which the waste was listed) to determine if the waste is non-hazardous. Today's notice is the result of our re-evaluation of the petition.

In support of their petition, General Cable has submitted a detailed description of its manufacturing and wastewater treatment processes (including schematic diagrams); total constituent analysis and EP toxicity test results of the sludge for cadmium, total chromium, nickel, and lead; and total constituent analyses and distilled water leach test results for cyanide. General Cable also has submitted results from total constituent and EP toxicity tests of the sludge for arsenic, barium, mercury, selenium, and silver; reactive sulfides analysis and total oil and grease analysis on representative waste samples. General Cable further submitted a list of raw materials used in the manufacturing process, and material

[1] The Agency recently proposed a similar approach, including a ground water transport model, as part of the land disposal restrictions rule (see 51 FR 1602, January 14, 1986). The Agency, however, has not completed its evaluation of the comments on this proposal. If a regulation is promulgated, using the ground water transport model, the Agency will consider revising the delisting analysis at that time.

[2] Other factors may result in the denial of a petition, such as actual ground water monitoring data or spot check verification data.

[3] General Cable petitioned the Agency to exclude both their wastewater treatment sludge and their clarifier supernatant. This proposed exclusion applies only to the wastewater treatment sludges and not to the clarifier supernatant.

safety data sheets on all chemicals that may contribute to the waste stream being petitioned for exclusion. As noted above, the Agency requested much of this information to determine whether hazardous constituents, other than those for which the waste was listed originally, are present in the waste at levels of regulatory concern.

General Cable operates a steel wire finishing facility. The production processes which contribute process waters to the treatment system include sulfuric acid pickling, muriatic acid cleaning, copper fluoboric acid plating, lead fluoboric acid plating, and ammoniacal zinc chloride plating of steel wire. In addition, non-process wastewaters, including blowdown from intake water strainers, boilers, hot lime softeners, and non-contact cooling waters, are processed through the treatment system.

General Cable's wastewater treatment system includes lime neutralization, aeration, flocculation, and clarification. The sludge is produced continuously; however, it is only removed from the clarifier on the average of three 8-hour periods per week. During the rest of the time, the clarifier sweep arms provide some mixing of the sludge. The settled solids are then pumped to a centrifuge for dewatering. A non-ionic polymer is added at the centrifuge and the dewatered sludge is shipped offsite to the secure section of the Adam Center Landfill, Fort Wayne, Indiana under a letter of approval from the Indiana State Board of Health. The effluent from the clarifier (*i.e.*, the supernatant) flows to a finishing pond. General Cable claims that cadmium and nickel are not used in the pickling and electroplating processes. General Cable also claims that although cyanide is used in the copper plating lines, the cyanide-bearing wastes are segregated from the wastewater treatment system and are discharged to the Muncie municipal publicly owned treatment works. General Cable also maintains that the constituents of concern are present in the waste in an essentially immobile form, after passage through the wastewater treatment system. General Cable also claims that the wastes are not hazardous for any other reason.

Eight sludge samples were collected from the centrifuge for constituent analysis. Four of these samples were collected in January 1981 and submitted with General Cable's original petition for exclusion dated May 20, 1981. A second set of four sludge samples was collected in November 1984 and submitted with General Cable's supplemental petition of January 23, 1985. General Cable claims that the samples were collected over a period of time when all the non-continuous, concentrated process waste streams were dumped as a result of normal operations. In this way, the maximum concentrations of constituents of regulatory concern which might occur in the wastes as a result of such dumps would be observed. General Cable further claims that the use of raw materials does not vary over time. General Cable claims, therefore, that the samples collected and analyzed adequately characterize the variability of the wastes.

Total constituent and leachate analyses of the sludge for the listed constituents of concern revealed the maximum concentrations reported in Table 1.

TABLE 1.—MAXIMUM CENTRIFUGED SLUDGE CONCENTRATIONS (PPM)

Listed constituents	Total constituent analyses	Leachate analyses
Cadmium	<1.1	<0.01
Chromium	160	0.06
Nickel	60	0.24
Lead	2,000	0.38
Cyanide	1.8	<0.005

Total constituent and EP toxicity analyses for the non-listed metals revealed the maximum concentrations in the sludge reported in Table 2.

TABLE 2.—MAXIMUM SLUDGE CONCENTRATIONS (PPM)

Non-listed constituents	Total constituent analyses	EP Leachate analyses
Arsenic	3.0	0.023
Barium	200	1.8
Mercury	1.9	0.003
Selenium	2.0	0.020
Silver	3.0	0.08

Reported values for total oil and grease were less than 0.015 percent for the sludge. General Cable also analyzed their wastes for reactive sulfides; the maximum concentration in the sludge was 2 ppm. General Cable also submitted a list of raw materials and material safety data sheets for all raw materials used in the process which reasonably might enter the waste stream petitioned for exclusion. This list indicated that no Appendix VIII hazardous constituents, other than those tested for, are used in the process and that formation of these constituents is highly unlikely. General Cable provided test data indicating that the waste is not ignitable or corrosive. General Cable claims that the maximum volume of sludge genrated from its centrifuge, at approximately 30 percent solids content, is 2,000 cubic yards per year.[4]

B. Agency Analysis and Action

General Cable has demonstrated that its wastewater treatment system produces a non-hazardous sludge. The Agency believes that the samples of the sludge collected from the centrifuge were non-biased and adequately reflect any variation which may occur in the wastestream petitioned for exclusion. The key factor which could vary constituent concentrations in the continuously generated waste would be the use of different raw materials due to changes in the product line being manufactured. Variations in raw materials can be expected when a facility either performs as a job shop or changes its product line on a seasonal basis. Since this facility does not perform as a job shop or have seasonal variations, the Agency believes that General Cable's claim of uniformity in manufacturing and treatment process is substantiated. Also, the mixing of the sludge with the sweep arms of the clarifier helps to minimize any fluctuations in the sludge composition which might occur. The samples, therefore, are believed to be representative of the maximum levels of hazardous constituents expected to be present in the dewatered sludge from the full array of raw materials used by General Cable.

The Agency has evaluated the mobility of the hazardous constituents from General Cable's waste using the vertical and horizontal spread (VHS) model.[5] Using the 2,000 cubic yards of centrifuge sludge generated annually, and the maximum reported extract levels as input to the VHS model, the Agency generated the compliance point concentrations presented in Table 5.

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATION

Listed constituents	Centrifuge sludge (ppm)	Regulatory standards (ppm)
Cadmium	<0.0013	0.01
Chromium	0.008	0.05
Nickel	0.027	0.35
Lead	0.049	0.05
Cyanide	<0.0006	0.2

[4] General Cable claims that the maximum volume of sludge generated in 1985 was 620 cubic yards per year. The Agency intends, however, to consider the maximum as 2,000 cubic yards because sludge generation may resume to previous volumes.

[5] See 50 FR 7882, Appendix I, February 26, for a detailed explanation of the development of the VHS model for use in the delisting program. See also the final version of the VHS model, 50 FR 48896, Appendix, November 27, 1985.

The dewatered sludge exhibited cadmium, chromium, and lead levels (at the compliance point) less than the National Interim Primary Drinking Water Standards. The predicted maximum nickel value is also less than the Agency's interim health-based standard;[6] and cyanide levels are less than the U.S. Public Health Service's suggested drinking water standard [7] (*i.e.*, if all the cyanide were to leach, even in a single concentrated slug, it would not exceed the regulatory standard for cyanide). In addition, the cyanide content is not considered to pose any hazards from an atmospheric exposure route since it is less than the air threshold limit of 10 ppm set by the American Conference of Governmental Industrial Hygienists (ACGIH).[8] These constituents, therefore, are not of regulatory concern.

TABLE 6.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATION

Non-listed constituents	Centrifuge sludge (ppm)	Regulatory standards (ppm)
Arsenic	0.0026	0.05
Barium	0.20	1.0
Mercury	0.0004	0.002
Selenium	0.002	0.01
Silver	0.009	0.05

Sulfide concentrations in the sludge were less than 10 ppm which is below the threshold limit value for hydrogen sulfide in workplace air [9] and below the Agency's level of concern for reactive sulfide.[10] The Agency also has concluded that no organic hazardous constituents are present in the sludge at levels of regulatory concern. This conclusions is based on a review of the raw materials used by General Cable in their manufacturing process.

[6] The Agency previously used 632 ppb as the regulatory standard for nickel. Pending the completion of current EPA studies on the health effects of nickel, the Agency is using 350 ppb for the purpose of evaluating delisting petitions. The basis for this standard is explained in 50 FR 20239–48, May 15, 1985.

[7] Drinking Water Standards, U.S. Public Health Service, Publication 956, 1962 (0.2 ppm).

[8] See *Documentation of the Threshold Limit Values for Substances in Workroom Air*; American Conference of Governmental Industrial Hygienists; Third Edition, 1971, Cincinnati, Ohio.

[9] The calculations are available from the public docket for this notice.

[10] Memo for Eileen Claussen, Director of the Characterization and Assessment Branch to Solid Waste Branch Chiefs, Regions I to X, on The Agency's Interim Threshold for Toxic Gas Generation Reactivity (§ 261.33(a)(5)). See the public docket for a full explanation of the standard's derivation.

The Agency believes, based upon the constituents and factors evaluated, that General Cable's waste is not hazardous, and, as such, should be excluded from hazardous waste control. The Agency proposes, therefore, to grant an exclusion to General Cable Company, Indiana Steel and Wire Division, located in Muncie, Indiana, for its centrifuge sludge as described in their petition. This proposed exclusion specifically does not apply to General Cable's effluent from its centrifuge. (The Agency notes that the exclusion when made final will remain in effect unless the waste varies from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment process).[11] In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.)

II. Effective Date

This rule, if promulgated, will become effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here since this rule reduces, rather than increases, the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense which would be imposed on the petitioner by an effective date six months after promulgation and the fact that such a deadline is not necessary to achieve the purpose of section 3010, we believe that this rule should be effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

III. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulaton is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposal to grant an exclusion is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's list of hazardous wastes, thereby enabling the facility to treat its waste as non-hazardous.

[11] The current proposed exclusion applies only to the process covered by the original demonstrations. A facility may file a new petition if it alters its process. Should such a change occur, the facility must treat its waste as hazardous until a new exclusion is granted.

IV. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effect wil be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this proposed regulation will not have a significant economic impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: September 4, 1986.

Marcia Williams,

Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), 6921, and 6922].

2. In Appendix IX, add the following wastestreams in alphabetical order:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
General Cable Company.	Muncie, Indiana	Dewatered Wastewater treatment sludge (EPA Hazardous Wastes Nos. F006 and K062) generated from electroplating operations and steel finishing operations after (insert date of final rule's publication).

[FR Doc. 86-20362 Filed 9-9-86; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[GEN Docket 86-339; FCC 86-368]

Marketing Regulations; Equipment Authorization Procedures

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission, on its own motion as a continuing effort to reduce burdensome administrative regulations, proposes to relax the equipment authorization procedure applicable to the receiver portion of a transceiver, the transmitter portion of which is type accepted or certified.

DATES: Comments must be filed on or before October 20, 1986, and reply comments on or before November 4, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: George Harenberg, Technical Standards Branch, Office of Engineering and Technology, (202) 653-7314.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, GEN Docket 86-339, adopted August 2, 1986, released August 27, 1986.

The full test of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. On its own motion, the Commission is initiating this Notice of Proposed Rule Making proposing to change the equipment authorization required for the receiver portion of a type accepted or certified transceiver. The proposal would relax the equipment authorization required for the receiver portion of such transceivers from notification to verification. The Commission's past experience with the FCC equipment authorization program has shown that the receiver portion of these transceivers currently being authorized under the notification process are demonstrating an excellent record of compliance with technical standards set forth in the Rules. In addition, the Commission has the option of sampling and testing these receivers, before the issuance of a grant.

2. For purposes of this Notice, a transceiver shall be defined as a radio frequency transmitter and a radio frequency receiver which is housed in the same cabinet and, which is marketed as one complete unit and, which is covered by a single FCC ID number under § 2.925(b)(1). Common circuit components for transmitting and receiving shall not be required. This proposal is limited to receivers which are required to comply with the Commission's notification procedures and which are associated with a transmitter which is type accepted or certified.

3. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), it is certified that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities because it relaxes the Commission's rules and reduces the Commission's application burden.

4. This is a non-restricted notice and comment rule making proceeding. See § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

5. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before October 20, 1986, and reply comments on or before November 4, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

List of Subjects

47 CFR Part 2

Communications equipment,

47 CFR Part 15

Communications equipment, Reporting and recordkeeping requirements.

William J. Tricarico,

Secretary.

A. It is proposed to amend Subpart J of Part 2 of Title 47 of the Code of Federal Regulations as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Subpart J—Equipment Authorization Procedures

1. The authority citation for Subpart J of Part 2 is amended to read as follows:

Authority: Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat. 290; 47 U.S.C. 154, 302, 303, 307, unless otherwise noted.

2. The authority citations for §§ 2.925 and 2.926 are removed.

3. In § 2.925, paragraph (b)(4) is added to read as follows:

§ 2.925 Identification of equipment.

* * * * *

(b) * * *

(4) For a transceiver, the receiver portion of which is subject to verification pursuant to § 15.69(c) of this chapter, the FCC identifier required for the transmitter portion shall be preceded by the term "TX FCC ID:".

* * * * *

4. In § 2.926, paragraph (e) is revised to read as follows:

§ 2.926 FCC identifier.

* * * * *

(e) No FCC Identifier may be used on equipment to be marketed unless that specific identifier shall have been validated by a grant of equipment authorization issued by the Commission. This shall not prohibit placement of an FCC identifier on a transceiver which includes a verified receiver subject to § 15.69(c), provided that the transmitter portion of such transceiver is covered by a valid grant of type acceptance or certification. The FCC Identifier is uniquely assigned to the grantee and may not be placed on the equipment without authorization by the grantee. See § 2.803 for conditions applicable to display at trade shows of equipment which has not been granted equipment authorization where such grant is required prior to marketing. Labelling of such equipment may include model or type numbers, but shall not include a purported FCC Identifier.

* * * * *

B. It is proposed to amend Part 15 of Title 47 of the Code of Federal Regulations as follows:

PART 15—[AMENDED]

1. The authority citation for Part 15 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301, unless otherwise noted.

2. In § 15.69, paragraph (c) is redesignated as paragraph (d), and new paragraph (c) is added to read as follows:

§ 15.69 Equipment authorization for a receiver.

(c) Notwithstanding the requirement of paragraph (b) of this section, receivers which are not subject to certification and are part of a transceiver, the transmitter portion of which is subject to type acceptance or certification, shall be verified.

* * * * *

[FR Doc. 86-20226 Filed 9-9-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 25

[General Docket No. 86-337; FCC 86-356]

An Automatic Transmitter Identification System for Radio Transmitting Equipment

AGENCY: Federal Communications Commission (FCC).

ACTION: Proposed rule and inquiry.

SUMMARY: This action proposes that all video satellite uplink transmissions, licensed under Part 25, be encoded with a signal to identify the station. It also requests comments on the costs, benefits and methodology for extending automatic transmitter identification to equipment licensed in all radio services. The need for better radio spectrum management to control interference, allow flexibility to deal with new technology and standardize the proliferating number of pseudo-automatic identification systems now coming into use make this item necessary. The intended effect is improved radio spectrum management.

DATES: Comments must be filed on or before October 20, 1986, and reply comments on or before November 19, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John R. Hudak, tele: (202) 632-6977.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking and Notice of Inquiry* in General Docket 86-337, FCC 86-356, Adopted August 7, 1986, and Released August 19, 1986.

The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this action may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW. Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking and Notice of Inquiry

1. In this *Notice of Proposed Rulemaking and Notice of Inquiry*, we are considering establishing a means by which all radio emissions might be encoded with a distinct automatically transmitted identifier (ATIS). The satellite industry, through the FCC Advisory Committee on Reduced Orbital Spacing, developed guidelines for an ATIS system. The guidelines are adopted as a proposed rule for video satellite uplinks regulated under Part 25.

2. For all other services, the Commission is interested in comments on how to proceed with regard to an automatic transmitter identification system. The formation of groups to address the issues would be welcomed.

3. Initial Regulatory Flexibility Act

I. Reason for Action

Radio transmissions continue to increase in volume, complexity and other methods that make identification of radiated signals difficult and often impossible. Recognizing that the Commission can no longer afford the resources needed for investigations to determine the identity of stations involved in all interference or technical violation problems, we are seeking relief through a user supported system of automatic identification.

II. Objectives

The purpose of this Commission action is to develop and implement an effective method of identifying the transmission source of received radio signals.

III. Legal Basis

The action taken by this *Notice* is authorized by sections 4 (i) and (j), 302, 303, and 403 of the Communications Act of 1934, as amended.

IV. Description, Potential Impact and Number of Small Entities Affected

This Notice of Proposed Rulemaking outlines a method of automatic transmitter identification for satellite video uplinks. Every operator of a satellite video uplink would be required to purchase and operate a device to insert identification on all transmissions. Approximately 1,000 stations would be involved. Each encoder would cost under $2000. Operating upkeep expenses should be minimal.

V. Recording, Record Keeping and Other Compliance Requirements

None mandated.

VI. Federal Rules Which Overlap, Duplicate or Conflict with this Rule

None.

VII. Any Significant Alternative Minimizing Impact on Small Entities and Consistent with Stated Objectives

None.

Ex Parte Consideration

4. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rule, 47 CFR 1.1231.

5. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before October 20, 1986, and reply comments on or before November 19, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to Office of Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

6. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose a new or modified information collection requirement on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

7. It is ordered, That a copy of this Notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 25

Satellite radio communications.

PART 25—[AMENDED]

Proposed Rule Changes

Part 25 of the Commission's Rules is proposed to be amended as follows:

1. The authority citation for Part 25, Subpart C, continues to read:

Authority: Sec. 4, 48 stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 stat. 1082, as amended; 47 U.S.C. 303.

2. Section 25.206 is proposed to be revised to read as follows:

§ 25.206 Station identification.

The requirement for transmission of station identification is waived for all radio stations licensed under this part with the exception of video satellite uplinks which are addresses under § 25.308 of these Rules.

3. Section 25.308 is proposed to be added to read as follows:

§ 25.308 Automatic transmitter identification system (ATIS).

All video satellite uplink transmissions shall incorporate an automatic transmitter identification system as specified below on all operation after December 31, 1987.

(a) The identification (ID) signal shall not degrade the existing transmission system;

(b) The ID signal injection method shall not produce harmful interference to other existing transmission systems;

(c) Every effort shall be exerted to utilize unclassified technology;

(d) The ID signal shall contain certain information, including owner/operator identification which uniquely identifies the transmitter;

(e) The ID message format may or may not be the same as the existing modulating signal format. For example, in NTSC FM television, the ID may be injected in a vertical line, in digital form, or as a separate SCPC transmission within the transponder passband, or as a multi-line plain language identifier in the vertical blanking interval;

(f) In secured transmission (scrambled or encrypted), the ID signal transmission format shall be such that all ID information may be extracted without the need for a descrambler or decryptor. ATIS methods for secured transmissions must be submitted to and recognized by the Commission;

(g) The ID generation equipment shall easily interface with existing uplink equipment;

(h) Seven-bit ASCII is the recommended format to be used to allow traffic monitoring;

(i) The ID signal injection equipment shall be operational at all times, continuously encoding the uplink transmission, and shall not be bypassed; and

(j) In the case of unscrambled transmissions, the Vertical Blanking Interval is the appropriate place for the relevant information. Line 20, field 1, frames 02 through 29 should be used in a single line technique. Multiple line techniques are permissible provided they comply with FCC regulations for incidental radiation from terrestrial broadcasters. Multiple line and other techniques may be submitted to the Commission for recognition.

(k) All requests for Commission recognition of an ATIS system shall be submitted to the Secretary, Federal Communications Commission. A recommended or authorized ATIS system that is recognized by the Commission must be employed.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-20356 Filed 9-9-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-350; RM-5340]

Radio Broadcasting Services; McCall, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to allot Channel 266C1 to McCall, Idaho, as its first FM service, in response to a petition filed by Dean C. Hagerman.

DATES: Comments must be filed on or before October 27, 1986; and reply comments on or before November 12, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: David M. Hunsaker, Putbrese and Hunsaker, 6800 Fleetwood Road, P.O. Box 539, McLean, Virginia 22101 (counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-350 adopted August 21, 1986, and released September 3, 1986. The full text of this Commission decison is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible ex parte contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-20352 Filed 9-9-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-346, RM-5459]

Radio Broadcasting Services; Safety Harbor, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Entertainment Communications, Inc., which seeks to substitute Channel 223C2 for Channel 221A at Safety Harbor, Florida, and to modify the license for Station WXCR(FM) to specify the Class C2 channel. A 12.3 mile southwest site restriction must be imposed on Channel 223C2. Additionally, we propose to delete the listing in the Table of Allotments for Channel 221A at Dunedin, since the channel is being used at Safety Harbor (under the old 10-mile rule).

DATES: Comments must be filed on or before October 20, 1986, and reply comments on or before November 4, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Brian M. Madden, Cohen and Marks, 1333 New Hampshire Avenue NW., Washington, DC 20036 (Attorney for petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, (202) 634-6530, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-346, adopted August 22, 1986, and released August 29, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-20355 Filed 9-9-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-349; RM-5358]

Radio Broadcasting Services; Valdosta, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Channel 239C2 for Channel 240A at Valdosta, Georgia, and to modify the Class A license for Station WLGA(FM) accordingly, in response to a petition filed by Metro Media Broadcasting, Inc.

DATES: Comments must be filed on or before October 27, 1986, and reply comments on or before November 12, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Howard W. Simcox, Jr., Borsari and Paxson, 2100 M Street NW., Suite 610, Washington, D.C. 20037 (attorney for petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, (202) 634-6530, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-349, adopted August 21, 1986, and released September 3, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible ex parte contact.

For information regarding proper filing procedures for comments. See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-20353 Filed 9-9-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-352, RM-5285]

Radio Broadcasting Services; Derby Center, VT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Steele Communications Co., proposing the allotment of FM Channel 221A to Derby Center, Vermont, as that community's first FM service. A site restriction of 5.4 kilometers (3.4 miles) northeast of the community is required.

DATES: Comments must be filed on or before October 27, 1986, and reply comments on or before November 12, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Edgar F. Czarra, Jr., Esquire, Benjamin F.P. Ivins, Esquire,

Covington and Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, DC 20044 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–352, adopted August 15, 1986, and released September 3, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments, see 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–20354 Filed 9–9–86; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 85–377; RM–5017]

Radio Broadcasting Services; Kapaa, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: This document dismisses a proposal (50 FR 51562, December 18, 1985) to allot Channel 278 to Kapaa, Hawaii, at the request of the petitioner Native Hawaiian Broadcasting Company. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Montrose Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85–377, adopted August 21, 1986, and released September 3, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transportation Service, (202) 857–3800, 2100 M Street NW, Suite 140, Washington, DC 20037.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–20349 Filed 9–9–86; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 50946–61631]

Foreign Fishing; Fee Criteria

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice and Request for Comments.

SUMMARY: NOAA requests comments on the performance of foreign fishing nations against the foreign fee criteria of the Magnuson Fishery Conservation and Management Act (Magnuson Act) which requires that the Secretary review the performance before the end of each fiscal year. The comments will be considered by the Secretary in making a final decision on which foreign nations will be assessed higher fishing fees.

DATE: Comments must be received on or before September 26, 1986.

ADDRESSES: Send comments to Stephen P. Freese, International Fisheries Development and Services Division F/M32, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT:

Office of Regional Director, National Marine Fisheries Service, 9450 Koger Blvd, St Petersburg, FL 33702, (813) 893–3141

Office of Regional Director, National Marine Fisheries Service, 7600 Sand Point Way, NE, Seattle, WA 98115–0070, (206) 526–6150

Office of Regional Director, National Marine Fisheries Service, 300 S. Ferry St., Terminal Island, CA 90731–7415, (213) 514–6196

Office of Regional Director, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221

Office of Regional Director, National Marine Fisheries Service, 14 Elm St., Federal Bldg., Gloucester, MA 01930

Stephen P. Freese, National Marine Fisheries Service, International Fisheries Development and Services Division F/M32, 1825 Connecticut Avenue, NW., Washington, DC 20235, (202) 202–5300.

SUPPLEMENTARY INFORMATION: On April 7, 1986, the President signed into law Pub. L. 99–272, a budget reconciliation bill, which among other things amended section 204(b)(10) of the Magnuson Act. This amendment requires that any foreign nation receiving an allocation of fish in the exclusive economic zone must pay fees at the higher of two levels during the next fiscal year if the Secretary of Commerce finds that the foreign nation—

"(i) is harvesting anadromous species of United States origin at a level that is unacceptable to the Secretary; or

(ii) is failing to take sufficient action to benefit the conservation and development of United States fisheries."

For the low fee the standard fee assessment rate is 35.6 percent of the species ex-vessel value established in 51 FR 202 while the high fee is 63.8 percent of that value. For example the foreign fee for Alaska pollock under the low fee level is 35.6 percent of the species ex-vessel value while the high fee is 63.8 percent of that value, that is, the foreign fee for Alaska pollock under the low fee level is $43/mt and under the high level, $78/mt.

On September 9, 1986, NOAA published a revision of the 1986 foreign fishing fee schedules. That revision noted that NOAA is considering the procedure for assessing country performance against these criteria. This notice is part of the consideration.

By August 12, NOAA asked foreign fishing nations to provide information related to their performance against these criteria. Copies of the information provided by responding nations are available at the offices listed above.

NOAA requests public comment by September 26, 1986, on the information provided below and requests any additional information that would have a bearing on what level of fees a country should pay. NOAA will review the

comments received and consult with the Department of State prior to a decision on which countries will pay the higher fees. After this consultation, as required by the Magnuson Act, a final report will be sent to Congress by September 30, 1986.

Countries receiving allocations in 1986 with 1985 total allocations in parentheses are: People's Republic of China (0 mt), German Democratic Republic (28,563 mt), Japan (901,968 mt) Italy (7,145 mt), Poland (89,295 mt), Soviet Union (10,782 mt), Republic of Korea (250,219 mt), Netherlands (10,105 mt), Spain (5,839), and Taiwan (0 mt).

It should be noted that in discussing U.S. imports of products made from total allowable level of foreign fishing (TALFF) species that are allocated to foreign nations, NMFS has utilized U.S. Customs trade data and made a careful analysis of the various tariff codes under which fishery products are categorized. Because of "basket categories" which combine TALFF and non-TALFF species, exact identification of the amounts of TALFF species products being imported into the United States is impossible. Therefore, NMFS has isolated those categories that include only TALFF species products ro which include a majority of TALFF species with the remaining items being very similar and competitive with TALFF species products.

It should also be noted that in the Northwest Atlantic, the major foreign fisheries have been managed on a April 1 to March 31 fishing year and corresponsing joint venture statistics have been provided. However, for 1986, in preparation for a permanent change to a January 1 to December 31 fishing year, the interim fishing year is from April 1 to December 31.

With respect to Atlantic harvests of andromous species of U.S. origin, the primary instrument for international management of salmon in the Atlantic Ocean is the North Atlantic Salmon Conservation Organization (NASCO). NASCO manages salmon through its North American, West Greenland, and Northeast Atlantic Commissions. Agreements on acceptable levels of salmon harvesting are presently in effect in all but the Northeast Atlantic Commission area. Of the foreign countries holding or expected to hold fish allocations in the Atlantic portion of the U.S. exclusive economic zone, none intercepts appreciable amounts of North American origin salmon.

Presented here in summary of information on the incidental catch of salmon in Pacific groundfish fisheries.

Nation	Bering Sea		Gulf of Alaska	
	1985	1986 [1]	1985	1986 [1]
	Numbers (1000's)			
China		0.1		
Japan	7.3	0.2	0.3	
Korea	1.0	0.1	0.1	
Poland	1.2			
USSR	0.1			
Foreign Total	9.6	0.4	0.4	

[1] Incidental catch through June.

Below is the compilation of information collected by NMFS on foreign performance. The information is organized according to the following outline; if no information is available for an element of the outline, that element is omitted.

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Product
Sales of TALFF and Similar Species Products into U.S. Markets
Trade Facilitation Activities
Investments in the U.S. Industry
At-Sea Purchases From U.S. Fishermen-Joint Ventures

Conservation of U.S. Fishery Resources

Operations and Enforcement
Research

Harvest of Anadromous Species of U.S. Origin

Industry Activities
Other Areas of Cooperation

FOREIGN PERFORMANCE

Japan

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Products—Japan is the largest market for U.S. fishery products. The real value of U.S. exports to Japan has doubled since 1977 and in 1985 Japan imported 64 percent of the total U.S. export of edible and non-edible fishery products. The U.S. exports of edible and non-edible fishery products to Japan from January to June 1986, totaled $237.1 million, a 58 percent increase over the $149.8 million exported during the same period of 1985. Exports to Japan for all of 1985 were a record $696.6 million. (Fisheries of U.S., 1985, p. 59)

As in past years, the bulk of Japan's fishery imports from the United States consisted of high-value traditional species. Through June of 1986, the major fish export to Japan was frozen crabs. This group comprised $66.1 million, consisting mainly of snow crab, opilio ($30.1 million), other snow crab, chiefly bairdi ($21.9 million), other frozen crabs ($14.0 million) and modest amounts ($137 thousand) of dungeness crab.

Next in order came frozen salmon ($32.0 million) of which about half was sockeye salmon. The bulk of salmon exports to Japan takes place in the second half of the year. In addition, the U.S. exported various fish and shellfish roes (pollock, herring, salmon, sea urchin roe, and others, totaling ($16.5 million); several species of frozen fish ($11.6 million), which could include some underutilized species: frozen shrimp ($4.9 million); sablefish ($17.4 million); herring ($37.2 million); and king crab ($3.7 million).

Sales of underutilized TALFF species to Japan accounted for a relatively small share of total exports. (Sablefish is no longer considered a TALFF species because U.S. fishermen now harvest the entire optimum yield and sablefish is only allocated to foreign nations as bycatch.) Through June of 1986, exports of TALFF species were pollock ($871 thousand); pollock roe ($2.2 million); and squid ($555 thousand). The total amount of purchases of TALFF species about $3.6 million for six months. Although sales of TALFF species to Japan are relatively small compared to total exports, Japan is the only significant importer of these species among countries fishing in the U.S. EEZ.

It is still not certain whether Japan will be able to purchase the level of processed products agreed to in the industry-to-industry meetings with representatives of the North Pacific fishing industry in late 1985. At that meeting, the Japanese delegation agreed to purchase and take delivery of 74,000 mt (round weight equivalent) of U.S. harvested and processed products in 1986–40,000 mt of pollock-based surimi (approximately 8,000 mt product weight) and 34,000 mt of pollock and other species. The surimi purchase commitment amounts to 8,000 mt of product weight. Much of this commitment was expected to be fulfilled by two Alaskan surimi plants (discussed below) in which the Japanese have invested.

Also, U.S.-owned surimi producer has signed a contract to sell to Japan 10,000 mt of surimi block in the second half of 1986 and during 1987. This producer projects that it will have produced 3,000 mt of surimi by year's end. The working Alaska based surimi plant with Japanese investments had produced 1,925 mt of surimi product by the end of August with expectation of 3,000 mt by the end of the year. Most of this is being marketed domestically.

Sales of TALFF and Similar Species Products Into U.S. Markets—Japanese firms export a number of items to the United States which are made from U.S.-

origin fish or from similar species found in non-U.S. waters. Total U.S. imports from Japan of TALFF species during the first six months of 1986 were approximately $58.7 million. The key product is surimi, including both the intermediary product (surimi block) and finished seafood analogs. Japan exported an estimated $100 million of pollock blocks, surimi, and surimi-based end-products to the United States in 1985. In the first six months of 1986, U.S. imports of these items exceeded $52.2 million, suggesting that the growth in Japanese sales of surimi products to the United States may be leveling off due to shortage in the supply of Alaska pollock.

Trade Facilitation Activities—Last year Japan accelerated the tariff reduction schedule rates agreed upon during the Multilateral Trade Negotiations for a number of fishery products important to the U.S. industry such as cod, herring, pollock, pollock roe and hake. This year, there have been no important changes in Japan's tariff and non-tariff barriers against imports of fish products made from TALFF species. The most important single trade restriction on imports of pollock products is the global import quota (IQ) on pollock products. In consultations which took place in Tokyo this summer, NMFS/NOAA raised a number of concerns about the administration of this IQ and asked whether Japan would consider abolishing the barrier. The Japanese Government spokesman indicated that they could not, for political and economic reasons, eliminate the quota. Discussions are ongoing on this issue. The amount allocated under the pollock IQ for the first half of FY86 indicated that the quota has been administered in a way which reserves the large bulk of imports to a small group of Japanese distant water fishing companies; whereas the share of secondary processors had been inadequate. New "set-asides" have been added to accommodate increased imports from non-GATT suppliers, such as North Korea and the Soviet Union.

Investments in the U.S. Industry—The surimi purchase targets agreed to in the industry to industry agreement with the North Pacific Fishing industry (See discussion above) were to be reached by purchasing surimi produced in U.S.-Japanese jointly owned processing facilities in Alaska. Last year, the Japanese invested in two shore-side processing facilities. Estimates of the processing capacity of each plant when completed range from 20,000 mt to 25,000 mt (round weight) per year. Current information indicates that only one of these plants is in operation, and as of the end of August, this plant had produced 1,925 mt of surimi towards a projected year-end level of 3,000 mt. The second plant is scheduled to commence its operations in late November or December. There have been delays due to construction permit problems with U.S. authorities, and there have been problems in contracting U.S. fishing vessels to deliver adequate amounts of fish to the plants. Thus it is difficult to say whether the 1986 sales target under the industry-to-industry agreement will be met.

At-Sea Purchases From U.S. Fishermen-Joint Ventures—Japanese joint venture purchases of Alaska bottomfish continued their rapid growth from initial 1981 levels of 11,000 mt. In 1985 over-the-side purchases from U.S. fishermen at-sea totaled 463,776 mt (valued at $46.0 million), a 35 percent increase over 1984 and well above the target of 448,077 mt. As of mid-July 1986, evaluations of joint venture operations with Japan are positive, with U.S. partners reporting continued smooth operations. The Japanese have agreed to purchase 581,000 mt over-the-side in 1986, and there is every indication this commitment will be met. As of July 12, Japan had purchased over 341,000 mt, including a significant quantity of species other than pollock. Over 80 percent of Japans yellowfin sole commitment had been caught. The Japanese Government reports that their 1986 bottomfish joint venture operations will employ 96 U.S. catcher vessels, an increase of 30 vessels over the 64 vessels employed last year.

The Japanese long-line fleet has also participated in herring and salmon joint ventures. A Japanese long-line program for the purchase of herring from Togiak, Alaska fishermen has been in progress since 1981. The purchase amount has increased from 953 mt in 1981 to 2,632 mt in 1983 and 1,230 mt in 1984. The purchase amount in 1985 is a total of 2,371 mt and supported 188 U.S. vessels of the Bristol Bay herring marketing Cooperative. This year 2,280 mt of herring has been purchased. These purchases provided the only reliable market for the native gillnet fishermen, more than 600 of which were employed in the operations. Over the years, this joint venture has proven to be a source of much needed capital to an economically depressed area of the state and a means for the native fishermen to diversify their fishing operations away from their traditional reliance on salmon as their sole source of income.

Purchase of 350 mt of chum and pink salmon involving 70 U.S. fishing vessels who otherwise would have had no market for their salmon was also made by Japanese long-line vessels in Norton Sound in Alaska this year. Last year 299 mt of salmon was purchased. This year, the Japanese long-line fleet also plans to purchase Pacific cod from approximately 15 U.S. fishing vessels.

During the 1985–86 fishing year for the squids in the Northwest Atlantic, Japan purchased approximately 1,200 mt of *Loligo* and *Illex* squid from U.S. harvesters. Almost 100 percent of all U.S. butterfish exports go to Japan. Japan has not yet initiated joint venture fishing for this fishing year.

Other Development Efforts—Last year, Japan signed a cooperative agreement with the Governor of Alaska to provide assistance in studying: (1) The feasibility of scallop aquaculture in Kodiak, (2) the feasibility of growing kelp, and (3) the training of personnel in surimi manufacturing in the Dutch Harbor area for their two new plants in Dutch Harbor, Alaska.

The Japanese fishing industry has also been involved in a cooperative fisheries development program with the fishermen of the Pribilof Islands since 1982. Pribilof natives have received technical training in Japan in harvesting and processing techniques. Technicians have visited the islands on several occasions. Fishing and processing equipment for halibut and Korean hair crab have been provided for both St. George Island and St. Paul Island. This cooperative project is ongoing. This year, the Japanese Hokuten trawlers donated, 2 tons of octopus worth approximately $6,500 to St. George Island to be used as bait for the local halibut fishery.

In addition to purchasing salmon through joint ventures in Norton Sound, Alaska, the Japanese long-line fleet has agreed, at the request of the State of Alaska, to conduct fishing experiments with the Norton Sound fishermen to see whether other species, such as yellowfin sole and flounder, are available in the area.

Conservation of U.S. Fishery Resources

Operations and Enforcement—There were minor problems with Japanese operations and enforcement in 1985. No fishery enforcement violations for Japan were noted within the U.S. 200-mile zone through July of 1986.

The Japanese long-line fleet has voluntarily restricted its 1986 operations in the Gulf of Alaska to the first four and

last three months of the year. By restricting operations during these time periods, the Japanese long-line vessels are out of the Gulf during prime fishing months for U.S. longline vessels. The Japanese long-line vessels, therefore, will be fishing in the remaining months when bycatches of fully utilized species such as sablefish, can be kept to an minimum. Similarly, in the Bering Sea, the Japanese long-line vessels agreed to limit their fishing operations to the area northwest of the Pribilof Islands—an area which is several hundred miles away from the primary fishing areas of U.S. fishermen and one in which U.S. vessels do not operate due to the low catch levels historically encountered there.

Research—As in the past, Japan is conducting major research on U.S. Alaska bottomfish resources through the provision of scientists and four research vessels. Japan cooperates in two major survey cruises, the U.S.-Japan Trawl Survey and the U.S.-Japan Longline Survey. These Japanese research efforts continue to be the most valuable in terms of quality, quantity, and relevance to the research responsibilities of the Northwest and Alaska Fisheries Center of NMFS. During 1986, Japanese research vessels spent an excess of 300 days accessing fish status and testing gear modifications to reduce bycatches in the GOA and Eastern Bering Sea.

NMFS/NOAA was successful in arranging a cooperative high seas squid fishery observer agreement with the Japan Fisheries Association. A U.S. scientist spent 55 days aboard a Japanese commercial driftnet vessel operating in the high seas squid fishing area. The information gathered on this voyage is expected to prove useful to NMFS/NOAA scientists who are investigating the catch per unit effort of the squid fishery, interceptions of marine mammals, seabirds, and pelagic species, and the effects of lost or discarded fishing gear upon the marine environment.

The Japanese have also participated in the research of fishery resources including squid in the Gulf of Mexico by providing fishing trawlers to do survey work. In 1984 the research cruise lasted 38 days and in 1985 48 days. In conjunction with this survey the butterfish were analyzed for fat content and parasites. This research resulted in sizable survey catches of butterfish which has led to exploratory fishing by U.S. East Coast factory trawlers this year.

Harvest of Anadromous Species of U.S. Origin

Industry Activities

INTERCEPTION OF NORTH AMERICAN SALMON IN THE JAPANESE HIGH SEAS MOTHERSHIP FISHERY [1]

Species	1985 numbers (1000's)
Sockeye	410
Chum	38
Pink	
Coho	[2] NA
Chinook	52
Total	500

[1] Estimates are not available for 1986.
[2] Estimate is not available because of lack of detailed information on interception rates.

JAPANESE LAND-BASED SALMON FISHERY [1]

Species	1985 Numbers (1000's)
Sockeye	13
Chum	0
Pink	0
Coho	[2] NA
Chinook	[3] 68
Total	81

[1] Estimates are not available for 1986.
[2] Estimate is not available because of lack of detailed information on interception rates.
[3] Estimate based on interception rates from the mothership fishery.

As a result of discussions held in April 1986, in Vancouver, Canada, by the Contracting Parties of the International North Pacific Fisheries Commission (Commission) a recommendation to amend the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean was sent by the Commission to the Governments of Japan, Canada, and the United States. This amended Annex was based upon an agreement reached between Japan and the United States on March 8, 1986, to strengthen the conservation of North American origin salmonids. Shortly thereafter, the three Governments approved the Commission's recommendation and the amended Annex went into force in May. A summary of the content of the Annex is as follows:

Regarding the mothership fishery: Fishing in the eastern half of the Bering Sea will be phased out in 3 years; in the western half, it will be phased out completely by 1994. The total mothership allowed within the U.S. 200 mile exclusive economic zone will be 140 for 1986 through 1993, with the fishery ending on July 31. For 1994 and thereafter, the mothership fleet days will be 144 with an earlier closure of the fishery (July 26).

Regarding the land-based fishery: The present eastern limit will be moved to the west by 1 degree. This limit may be modified in accordance with the results of information from scientific studies to be initiated with the beginning of the 1986 fishing season. The studies will be performed over a 3- to 5-year period.

U.S. scientists believe conservation measures developed in the amended Annex will decrease significantly the incidental harvest of North American origin salmon by Japanese salmon fishing vessels and result in a substantial increase in the returns of salmon to U.S. waters, especially for high-value species as chinook.

In addition to the amendment of the Convention Annex, two Memoranda of Understanding (MOUs) which also stem from the U.S.-Japan agreement of March 8 were signed in Vancouver in April 1986. The first MOU, regarding scientific research, will enable fishery biologists to conduct further research on anadromous Salmonidae to determine accurately the continent of origin of salmonids migrating in the Convention area of the land-based driftnet fishery south of 46 degrees North Latitude so that the movement of the eastern limit of that fishery may be negotiated no later than the beginning of the 1991 season. The second MOU on enforcement establishes greater cooperation between the Commission member-countries in enforcing the provisions of the Convention, especially in regard to the new measures on the eastern limit of the land-based fishing area.

Between June 30 and July 17, 1985 U.S. Coast Guard aerial patrols sighted 17 gillnet vessels of the Japanese land based gillnet type east of the abstention line. Thirteen other vessels of the same type were sighted underway in a westerly direction just west of the abstention line in the presence of a Japanese patrol vessel. The Japanese Government responded promptly to a Department of State request for an investigation into this activity. The Japanese informed the United States that the violators were not salmon gillnet vessels, but were vessels from the squid fishery. They assured U.S. officials that penalties were to be assigned to those vessels found in violation of the domestic fishing regulations. In addition, a fishery enforcement vessel was assigned to patrol the northern boundary of the squid fishery to assist in preventing any further violations.

On June 27, 1986, the U.S. Coast Guard boarded two Japanese land based gillnetters which had steelhead on board that were being retained and logged as chinook salmon. This is in violation of the Memorandum of Understanding on Scientific Research which states that

Japan will provide accurate catch statistics for all salmonids. The Department of State requested an investigation into this activity. A response received from the Japanese Government stated that the vessels were questioned by Fisheries Agency officials and denied mislabeling steelhead as chinook because it would affect adversely the ability to fulfill the quota for the higher valued chinook and offer no economic incentive for the fishermen.

Although very few catch data exist for salmon taken in the squid gillnet fisheries in the North Pacific, it is known that large numbers of salmon have been taken by the Taiwanese. The number of these salmon that are of North American origin is unknown. Although there are very few catch data from these fisheries, the high seas distribution of salmon and the oceanographic structure of the North Pacific suggest that if squid vessels fish in compliance with national fishing regulations, the impact on North American stocks is probably minimal.

Both Taiwan and Japan have adopted regulatory boundaries which, if observed, should minimize the chances of salmon harvest for most years with average oceanographic conditions. The Republic of Korea has not yet adopted such regulations, however, retention of salmon is prohibited. Compliance with each country's national regulations is not yet satisfactory.

Available information shows that the NMFS Northwest Region Law Enforcement Division is currently investigating seventeen shipments of salmon which presumably were shipped from Taiwan, through Tacoma, Washington, with Japan the final destination. Such shipments would violate the laws of all three nations. The path of the shipments led U.S. agents to presume that the intent was to mask Taiwan as the country of origin and give false impression that the salmon originated in the U.S. Two of the shipments totaling 269 metric tons (mt) have been seized. The remaining shipments totaling 1,354 mt left the U.S. prior to investigation. The shipments were packaged in containers imprinted with a U.S. company name and U.S. origin. The total values of all the shipments is estimated at $5 million.

Between July 30 and August 29, 1985, U.S. Coast Guard aerial patrols sighted 46 Japanese squid gillnet vessels fishing north of the Japanese northern boundary in apparent violation of Japanese regulations. Between June 27 and August 10, 1986, U.S. Coast Guard aerial patrols sighted 15 Japanese squid gillnetters north of the boundary. U.S. Coast Guard surface patrols boarded three gillnetters, one of which was 139 miles north of the boundary, and inspection of the vessel logs of the other two vessels revealed that they, too, had fished north of the boundary.

After the 1985 incident, the Japanese informed the State Department that it would investigate the information supplied by the Coast Guard and impose penalties on each of the violators. In addition, a Japanese fishery enforcement vessel was dispatched to the area to enforce the domestic regulations that ban fishing north of the boundary. Following the 1986 incidents, the Fisheries Agency of Japan reported that six of the vessels in question were north of the squid gillnet boundary for the purpose of measuring water temperatures in order to seek out the most suitable fishing grounds. The Japanese authorities report that the vessels had no salmon onboard and their log books indicated no fishing north of the boundary. The Fisheries Agency intends, nevertheless, to issue written warnings to these vessels and instruct all squid gillnet vessels to refrain from crossing over the northern boundary. The vessels that reportedly fished above the northern boundary have not yet returned to port, but upon their return will also face an investigation, and possible penalties, by Japanese authorities.

An estimated 14,000 steelhead were taken in the Japanese landbased gillnet fishery, nearly all of which are presumed to be of North American origin.

Other Areas of Cooperation—Japanese Customs and Fisheries Agency officials are currently cooperating fully with the United States in gathering evidence on a salmon shipping scheme which raises questions about possible efforts to conceal Taiwan as the country of origin for salmon in foreign commerce. The Japanese have given timely information regarding where these shipments are in Japan and have requested the manifest documents for these shipments. Japan has regulations in place which prohibit the import of salmon from Taiwan.

Republic of Korea (ROK)

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Product—The U.S. exports of edible and non-edible fish products to ROK for the first six months of 1986 totaled $20.3 million, a 46 percent increase from the $13.7 million exported during the same period of 1985. Most of these exports were edible–4.5 percent of all U.S. edible fish products exported during the January-June 1986. Total U.S. fishery exports to Korea in 1985 were $25.2 million.

Three categories accounted for nearly all U.S. exports to ROK through June herring ($12.4 million), salmon ($2.2 million), and frozen crabs ($4.0 million). The ROK did not import any TALFF species from the United States during the first six months of 1986. This is consistent with past performance where, over the years, ROK imports of TALFF species have been insignificant. No fully processed U.S. products or U.S. headed and gutted (H&G) products are presently being exported to ROK.

Sales of TALFF and Similar Species Products into U.S. Markets—Total imports of TALFF and TALFF-like species during the first six months of 1986 were approximately $29.7 million. The ROK sales of bottomfish fillets, especially pollock and Pacific cod shatter-pack frozen fillets compete directly in the U.S. market with the U.S. freezer trawlers. In the January-June 1986, period, ROK exported $8.9 million of flatfish fillets of which an undetermined share is competing head-to-head with U.S. production.

U.S. imports from ROK of pollock blocks from January through June 1986, were $10.1 million. (U.S. imports of frozen pollock block from ROK in all of 1985 were $21 million). During the first six months of 1986, Korea also exported to the United States $356 thousand of canned pollock, and $277 thousand of squid. The ROK also shipped $458 thousand of surimi-based analogs to the U.S. during the first six months of 1986, an indication that countries other than Japan are getting into this market.

The ROK exports an estimated 15 to 20 percent of their total pollock supply, which has averaged 400,000 mt in recent years. That is, ROK exports of pollock have averaged about 75,000 to 80,000 mt, but seem to be declining. Exports of pollock to all destinations in 1986 have been projected by the ROK Government at 70,000 metric tons.

Trade Facilitation Activities—The Korean Embassy has informed NOAA/NMFS of changes implemented in the administration of the tariff rate quota on frozen fish products. Until recently, the tariff rate quota allowed for a reduction from 20 to 10 percent ad valorem in the duty applied to 15,000 metric tons of several species of frozen fish, including pollock, and, most significantly, provided this reduction on a global basis, i.e. to all suppliers.

The recent change introduced by the Korean Government is to terminate the global availability of this benefit, and to provide it only to suppliers from four countries, one of which is the United

States. (The other three are New Zealand, Argentina, and Chile.) Thus, this proposal amounts to the creation of a new "set-aside", and further restricts, rather than relaxes, the frozen fish quota.

The United States strongly prefers the elimination or relaxation of the quota. The NOAA/NMFS request made in consultations in Washington and Seoul was that processed pollock be removed from the frozen fish quota and placed on the automatic approval list. This is consistent with U.S. policy which supports the elimination and/or substantial relaxation of tariff and non-tariff barriers as a means toward improved liberalization of international trade.

The Korean Government has announced that the 15 members of the Korea Deep Sea Fisheries Association have been appointed as the private sector advisers on the consultative committee. The Import Coordination Council which has been set up to advise the Administrator of the National Fisheries Administration in carrying out his responsibilities under Korean trade law concerning the importation of fisheries products. It is not clear if the main purpose of the Council is to give advice or to propose specific trade measures. The membership of the Council is confined to representatives of fishing companies.

The Korean Government is also proposing that Korean firms be allowed to purchase processed fish products directly from U.S. factory processor vessels. According to this proposal, Korean fishing vessels operating in the U.S. EEZ would purchase products in Free Alongside (FAS) highseas transactions. Such purchases would "require action by the Korean foreign exchange authorities."

Trade Facilitation Activities—Earlier this year, the ROK announced that at least three "Equity joint ventures" are being negotiated between Korean and U.S. firms operating in the North Pacific.

At-Sea Purchases From U.S. Fishermen-Joint Ventures—The ROK joint venture purchases in 1985 totaled 189,062 mt, an increase over 1984 purchases of 100,430 mt. American joint venture partners indicated that operations were satisfactory although certain operations encountered problems with fish weights and payments to fishermen.

Reaction by the U.S. industry to ROK joint ventures in 1986 has been unusually positive. The ROK is nearing its original obligation for over-the-side purchases of 275,000 mt, and has since agreed to increase its total purchases to 397,000 mt in both the Eastern Bering Sea and Aleutian Islands area and the Gulf of Alaska. As of July 12, 1986, Korean joint ventures had purchased over 244,000 mt. There is some doubt as to whether the Koreans will be able to meet their new joint venture target since they plan to take pollock in the Gulf of Alaska where there is no additional pollock available. A more realistic target for Korean joint ventures, according to the NMFS Alaska Region, is 348,000 mt.

U.S. partners have noted that Korean prices are competitive and that cooperation has generally been good. Some problems were reported with the Korean Wongyang Fisheries joint venture, with processing ships diverting to directed fishing, leaving American catcher vessels standing by for transfer of codends. Earlier this year, the Koreans agreed to convert several processors to surimi, which would allow them to accept smaller pollock from U.S. catcher vessels which was previously rejected.

Other Development Efforts—The first U.S.-Korean Fisheries Development Conference was held in July 1985, to examine possibilities for future cooperation. Although no concrete proposal resulted from the Conference, the ROK has since been exploring potential expanded joint venture operations off Alaska, including investments in offshore floating factory processing. The second Conference is planned for the first week of December 1986 in Anchorage, Alaska.

Conservation of U.S. Fishery Resources

Operations and Enforcement—There have been no major enforcement problems with the ROK fleet off Alaska.

Research—Korean research efforts in the GOA changed as a result of a research vessel being sent to the area in 1985. The ROK will not send a vessel to the GOA in 1986, but instead will direct a vessel to survey squid resources and study gillnetting research on squid and its interaction with salmon in the Northwest Pacific.

The NMFS/NOAA was able to place two U.S. scientists aboard the Korean research vessel operating in the high seas squid driftnet fishery this summer. Observers believe that the scientific information gathered on this voyage may be important to both fishery and marine mammal biologists seeking information about the effects of driftnet fishing on the marine environment. The Korean Fisheries Ministry was instrumental in arranging this cooperative voyage with the Northwest and Alaska Fisheries Center.

Harvest of Anadromous Species of U.S. Origin

Industry Activities—On July 8, 1986, a U.S. Coast Guard patrol vessel boarded a Korean gillnetter accompanied by five other Korean gillnetters and found 70 salmon onboard in apparent violation of Korean regulations. Korean vessels have been cooperative in allowing consensual boardings. The Korean Government, after being informed of the salmon retention incident by the DOS, conducted an immediate investigation and the captain of the vessel retaining salmon was penalized. In addition, the Korean National Fisheries Administration sent a letter to the squid gillnet vessel owners through the Korean Deep Sea Fisheries Association instructing the vessel captains to avoid any future violations of domestic fishery regulations prohibiting retention of salmon.

Poland

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Product—The United States did not export any fish products to Poland in the first six months of 1986. There were no exports of fishery products to Poland in 1985 and exports in 1984 totaled 19 mt.

Sales of TALFF and Similar Species Products Into U.S. Markets—Trade in TALFF species consists of Polish exports of pollock blocks to the United States. In the first six months of 1986, Poland exported $6.3 million of pollock blocks to the United States. At this rate, Poland may surpass its 1985 U.S. sales of pollock blocks, which totaled $9.1 million. Total U.S. imports of fish products from Poland were $10.9 million in 1985. One concern is that Polish pollock products, due to their low price, have pre-empted U.S. entry into the European fillet market.

Trade Facilitation Activities—Poland does not impose any tariff or non-tariff barriers. Trade is strictly controlled by the Polish Ministry of Foreign Trade. Poland's lack of hard currency has severely impeded their ability to purchase finished U.S. products. Poland potentially could pay for U.S. goods by bartering, however, the Soviet Union purchases virtually all potentially exportable goods from Poland (coal, machinery, etc.).

Investments in the U.S. Industry—There has reportedly been some talk within the U.S. industry of possible equity joint ventures with Poland. (Equity joint ventures are agreements in which the American partner, in addition to providing catcher vessels,

participates in either the processing or final sale of the final product.) Reports indicate that one equity joint venture is in a very preliminary discussion stage. Agreement on the nature of the joint venture arrangement is not expected before early 1987.

At-Sea Purchases From U.S. Fishermen-Joint Ventures—In 1985, Poland purchased 35,460 mt, valued at $3.5 million, of its 50,000 mt joint venture request. Although the Poles did not meet their request, joint venture purchases were up 175 percent over 1984 levels. Poland requested a 1986 joint venture allocation of 48,000 mt off Alaska. This would represent a 35 percent increase over the 35,000 mt purchased in 1985. Thus far in 1986, good performance has been reported. The Poles report that quotas are expected to be completed in the Fall, but past experience indicates that this is less than certain. Through July 12, Poland had purchased approximately 8,425 mt, about 18 percent of its joint venture obligation. Fishing operations off Alaska have stopped and the fleet is operating the Washington-Oregon-California area to participate in directed and joint venture fisheries.

The Poles have recently requested a 5,000 mt increase in their joint venture request for Pacific whiting off Washington-Oregon-California. This would bring their total whiting request to 35,000 mt which is a large increase from joint venture commitments of 7,000 mt in 1984 and 20,000 mt in 1985. This year, the Poles are working with three joint venture companies and have purchased through August nearly all of their original total request.

Other Development Efforts—Polish fleets purchased fuel and other supplies from U.S. companies both in Alaska and in the Washington-Oregon-California area in 1985 and continue to do so in 1986. The Poles claim that in 1985, they purchased $5.3 million in fuel and $1 million in packaging materials from U.S. companies. In the Northwest Atlantic, over the past two years, the Poles have conducted 4 day demonstration cruises for fishery management council members and interested fishermen. These demonstrations included all aspects of the searching, harvesting, and processing of Atlantic mackerel.

Conservation of U.S. Fishery Resources

Operations and Enforcement—There were no major enforcement problems with Poland.

Research—Poland did not participate in any research activities in Alaska during 1985. However, the Poles continue to provide valuable research and assistance in the Northwest Atlantic. In 1985, in exchange for directed fishing allocations, the Poles supplied a commercial fishing vessel for use by NMFS scientists in Atlantic mackerel stock assessment. U.S. scientists and Polish technicians cooperated to: (1) Obtain length and age data, (2) define the geographic distribution of overwintering mackerel and measure related environmental parameters, (3) identify the general migration patterns, and (4) collect other relevant data on mackerel and other species. The Poles also supplied a research vessel where several cruises were made over a 45 day period. Information on sharks, swordfish, billfish, tuna, herring, butterfish, cod, and haddock was collected.

In 1986, the Poles are making available to the NMFS Northeast Center the same research resources. In addition, Poland provide 195 days of mackerel research earlier this year. The Poles are also expanding the research vessel activities to a total of 95 days of operation so that information on the distribution and biology of pelagic sharks from Florida to George Bank can be collected. These research activities are highly regarded by the Northeast Center. Much of the scientific information is of a direct benefit to the fishery councils in the management of existing fishery management plans and the preparations of proposed plans.

Harvest of Anadromous Species of U.S. Origin

Industry Activities—In the WOC area, Polish joint ventures have encountered high salmon bycatches. Salmon is a prohibited species, but no upper limit of bycatch has been set.

People's Republic of China (PRC)

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Product—U.S. exports of fish products to the PRC have never been very great, consisting mainly of roe herring which is sent to the PRC where roe is stipped and re-exported to Japan. In the first six months of 1986, U.S. exports of roe herring to the PRC totaled $1.0 million and $2.6 million of herring (whole or eviserated, fresh, and chilled). There were no U.S. exports to the PRC of products made from TALFF species.

Sales of TALFF and Similar Species Products Into U.S. Markets—There is some concern that the PRC is processing U.S. origin pollock, transferring the product to a U.S. vessel just outside the 12-mile limit, then importing the product through Seattle. In the January through June 1986 period, the PRC sold $734 thousand of pollock blocks, to the United States. PRC exports to the United States in the comparable period of 1985 were $389 thousand. Imports from the PRC of pollock blocks totaled $457 thousand last year, out of total imports from that country of just over $30 million. Sales of all TALFF species products, or competing products, into the United States for the first six months of 1986 were $968 thousand.

The Chinese, however, claim that the three Chinese companies fishing in the U.S. EEZ have sold into the United States far less than the figures reported above, which are official U.S. Customs figures. They claim that they expect to sell into the United States a total of approximately 200 mt of TALFF related products by the end of the year.

Trade Facilitation Activities—The Chinese report that Chinese companies have travelled to the U.S west coast to investigate direct purchase of U.S. fishery products. The Chinese report they have initiated formal talks with the Alaska State Department of Commerce and Economic Development to establish a permanent organization for the exchange of information and to identify opportunities for mutual trade and fishery development.

Investments in the U.S. Industry—The Chinese Government has reported that they are currently actively searching for equity joint venture partners to establish a U.S. based joint venture company.

At-Sea Purchases From U.S. Fisherman-Joint Ventures—The PRC is new to U.S fisheries, with the Governing International Fishery Agreement going into effect in November 1985. The PRC has made efforts to develop three joint venture arrangements with American companies. The one U.S. partner contacted in May 1986, had no complaints and said the Chinese "appear to be learning fast." As of June 28, the PRC purchased 6,197 mt through joint ventures.

Other Development Efforts—Chinese information states that PRC fishing companies are currently engaged in discussions with the representatives of the Unalaska Municipal government concerning plans to develop an aquaculture project in the Dutch Harbor-Unalaska area. The Chinese also report that virtually all resupply of their fleet has been accomplished through U.S. suppliers. In purchasing fish, bunkers, packaging materials, stores, and services, they estimate that $1.2 million was spent during the first six months of the year. This is unconfirmed by U.S. parties.

Conservation of U.S. Fishery Resources

Operations and Enforcement—The PRC commenced fishing operations for the first time in early 1986 with joint ventures. Directed fishing began May 24, 1986. As of June 4, 1986, PRC vessels had already accumulated 9 violations, a significant number given the small number of vessels in the fishery and the short time period involved. NMFS enforcement officials point out that the number of violations, while high, is not unusual for a country new to the fishery and they expect the violations to decrease in the future. However, the PRC exceeded its prohibited species catch limit for halibut and was closed from directed fishing in mid-June.

Research—The PRC is interested in engaging in two different studies: (1) A comparative study of the fishery ecosystems in the Bering Sea and the Yellow Sea and (2) a fishery resource investigation of the Bering Sea. The NMFS Northwest Center has a scientific interest in both studies, and would welcome the opportunity to evaluate the state of Chinese fishery science and the performance of the PRC research vessel. Research contributions have been valued at $10 thousand for 1986. There were no research contributions in 1985.

The PRC intends to send two scientists to participate on some of the NMFS groundfish cruises. China wanted to send a research vessel to the Bering Sea this year, but the Northwest Fisheries Center discouraged this. There is one aspect of China's cooperation not credited to research. Recently, China voluntarily provided us the catch statistics for its pollock fishery in the "international doughnut area" of the Bering Sea, while other countries that fish in this zone have not. This voluntary action is very positive, because the pollock fishery in this zone may have significant implications for the exploitation of the stocks in the U.S. 200-mile zone of the Bering Sea/Aleutians region. The Northwest Center is encouraging other countries to supply similar data.

Harvest of Anadromous Species of U.S. Origin

No information to report.

Taiwan

Contributions to U.S Fishing Industry Development

Purchases of U.S. Processed Product—Exports of edible and nonedible fish products to Taiwan were $4.4 million in the first six months of 1986, a 13 percent increase over the $3.9 sold to Taiwan in the comparable period of 1985. Of the total, $3.7 million was edible commodities. As in the past, the most important single item in this trade is mullet roe, a luxury product which is processed in Taiwan into *Kazunoko*, a dried and cured roe commodity. In the first six months of 1986, 23 percent of all U.S. exports of fish products to Taiwan consisted of mullet roe. In 1985, mullet roe exports were valued at $3.6 million out of total edible exports of $5.8 million. The United States does not export TALFF species products to Taiwan.

Sales of TALFF and Similar Species Products Into U.S. Markets—Taiwan does, however, sell modest amounts of products made from TALFF species to the United States. In the January through June 1986 period, for example, Taiwan exported $2.1 million of various squid products, and $21 thousand of other frozen flatfish fillets to the United States. In addition, U.S. trade statistics show imports of $72 thousand of seafood analogs, surimi structured products, cakes and puddings from Taiwan in the January through June 1986 period.

Trade Facilitation Activities—Taiwan's tariffs on fish imports are extremely high, many of them as high as 65 percent ad valorem. The most important item from the U.S. industry's perspective is mullet roe, which is subject to a 35 percent rate. U.S. efforts late last year to reduce that rate in bilateral trade discussions with Taiwan produced no results.

At-Sea Purchases From U.S. Fishermen-Joint Ventures—In 1985, Taiwan purchased 4,058 mt, worth an estimated $520,000, through joint venture operations, falling short of their 8,900 mt target. This compares to purchases of 7,300 mt in 1984. Taiwan has not participated in any joint venture activities in 1986.

Conservation of U.S. Fishery Resources

Operations and Enforcement—Taiwan vessels have not operated within U.S. waters and, as such, no Taiwanese vessels have been noted violating U.S. fisheries enforcement regulations in the 200-mile zone through July.

Research—Taiwan has responded positively and beyond the data requirements of the Magnuson Act by providing catch and catch-per-unit effort data in the high seas squid fleet that operated in 1982 and 1983 in the North Pacific. The Northwest and Alaska Fisheries Center has worked in cooperation with the authorities in Taiwan to place a U.S. scientist aboard a Taiwan research vessel operating in the high seas squid driftnet fishing area in the Northwest Pacific to survey squid and study squid-salmon-ocean temperature interactions.

Harvest Anadromous Species of U.S. Origin

Industry Activities—Available incidence indicates that salmon coming into Port of Tacoma was originally exported from Taiwan in violation of Taiwan's domestic regulations. This investigation is continuing.

In May, 1985, a U.S. Coast Guard aerial patrol observed four gillnet vessels that appeared to be processing salmon. On July 12, 1986, a single gillnet vessel refused to acknowledge a request for boarding from a U.S. Coast Guard patrol vessel. The evidence collected by the Coast Guard aerial patrol was sent to the Taiwan authorities. Subsequently, following the delay of fishery allocations to Taiwan, representatives from Taiwan met with DOS, NMFS, and Congressional Staff officials and agreed to establish regulations prohibiting the harvest of salmon by the squid gillnet fleet operating in the North Pacific. These regulations are in place for the 1986 season.

German Democratic Republic (GDR)

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Product—The German Democratic Republic (GDR) improved their trade performance substantially in 1985 by increasing their purchases from 8 mt worth $41,000 in 1984 to 394 mt worth $190,000 in 1985. These purchases consisted entirely of edible fishery products, including modest purchases of frozen salmon and other frozen fish. The GDR joint venture partner has reported that during the 1985–86 fishing year, that the East Germans purchased 603 mt of processed mackerel during the 1985–86 fishing year and approximately 280 mt from January 1 to mid-August 1986.

Trade Facilitation Activities—The GDR is a Socialist Block country, whose main and highly significant trade barrier is a system of State trading. There is no evidence that this State trading system has changed or will change in the foreseeable future.

At-Sea Purchases From U.S. Fishermen-Joint Ventures—The U.S./GDR joint venture for mackerel was excellent this year. East German vessels have purchased 5,760 mt of mackerel over the side in the 1985–86 fishing year. These joint venture purchases are significantly greater than in previous years and have exceeded the joint venture purchase-processed product-allocation ratios recommended by the

Mid-Atlantic and New England Fishery Management Councils. From April 1 until the season ended this May, they additionally purchased 429 mt and are expected to resume fishing this fall. Domestic vessel operators have been very satisfied with the cooperation received from this venture and consider it a very important economic plus because the joint venture operations occur when other options for fishing are scarce.

Conservation of U.S. Fishery Resources

Operations and Enforcement—The GDR had no enforcement violations during the 1985–86 fishing year.

Harvest of Anadromous Species of U.S. Origin

No information to report.

Netherlands

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Product—In 1985, Dutch importers bought $34.8 million of fishery products from the United States, a decline of 43 percent from the value of their 1984 purchases. This included $25.5 million of non-edible menhaden oil. The principal edible products purchased were frozen salmon ($1.2 million) and canned salmon ($4.5 million). Imports of TALFF species, valued at $245,000, were mainly frozen squid products. Through June 1986, the Netherlands has purchased $13.4 million of edible and non-edible fishery products, a decline of 30 percent from the same period in 1985. The majority of these imports were menhaden oil products ($6.9 million) and can salmon products ($3.1 million). Purchases of TALFF species products totaled $92 thousand (an increase of 9 percent from last year), which was comprised of frozen *Loligo* squid ($43 thousand), pollock ($27 thousand) and other frozen squid (22 thousand).

Sales of TALFF and Similar Species Products Into U.S. Markets—The Netherlands sold into the United States through June 1986 a total of $7.6 million of these products, the majority of which were frozen flatfish fillets ($7.1 million) and cod fillets ($367 thousand). Through June of 1985, the Netherlands had sold $7.2 million of TALF species products.

Trade Facilitation Activities—The Netherlands maintains the trade barriers of the European Economic Community. These barriers have not changed in any appreciable way during the last year.

At-Sea Purchases From U.S. Fishermen-Joint Ventures—The Netherlands Atlantic mackerel joint venture request for the 1986 fishing year was initially approved, but the Netherlands did not send any vessels to the Northwest Atlantic to make these purchases or to fish the associated allocations.

Conservation of U.S. Fishery Resources

Operations and Enforcement—During the 1985–86 fishing year, there were no major enforcement problems. In the 1986–87 fishing year, the Netherlands did not fish.

Harvest of Anadromous Species of U.S. Origin

No information to report.

Italy

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Product—Italian imports of fishery products from the United States increased in value in January–June 1986 from January–June 1985 levels of $1.8 million. For all of 1985, total purchases were $3.3 million. Almost all of these imports were edible fisheries products. Italy's purchases included $1.4 million worth of TALFF species, including $1.0 million worth of frozen squid. The Italians have made a commitment to purchase U.S. processed squid this year. Through June 1986 Italy has imported $190 thousand of *Loligo* squid products and $269 thousand of other squid products, 20 percent more than January–June 1985 levels of $382 thousand. Additional purchases are expected to occur.

Sales of TALFF and Similar Species Products Into U.S. Markets—Through June 1986 Italy has not sold any TALFF or similar species products into the United States.

Trade Facilitation Activities—Italy employs the tariff and non-tariff barriers, such as reference prices of the European Community. Documents of the 1985 and 1986 EC trade barriers do not reveal any significant changes in these barriers that may increase U.S. exports.

At-Sea Purchases From U.S. Fishermen-Joint Ventures—The Italians performance has been good during the past few years. In the 1985–86 fishing year approximately a total of 1,500 mt of *Loligo* and *Illex* joint venture purchases were made. Italy's joint venture performance has continued to be very good in the 1986 fishing year The *Loligo* JV has proposed well, and, for the first time, a joint venture reached the cap amount allocated when Italian processing vessels purchased 1,500 mt of *Loligo* over-the-side by August 19. Small amounts of *Illex* have been purchased through mid-August and it is expected that both *Loligo* and *Illex* joint venture purchases will continue.

Other Development Efforts—Last year the Italians operated an experimental joint venture for dogfish and as a result for this year have requested 1,000 mt of joint venture processing for this underutilized species.

Conservation of U.S. Fishery Resources

Operations and Enforcement—The Italians had no enforcement violations in the past two years.

Harvest of Anadromous Species of U.S. Origin

No information to report.

Spain

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Product—Spanish imports of fishery products from the United States increased in value in January–June 1986, from January–June 1985 level of $274 thousand. During 1985 edible and non-edible fishery product exports to Spain were worth $689 thousand. Exports through June 1986 are valued at $2.5 million. Spanish purchases of TALFF species during January to June 1986 were $514,000 of frozen *Loligo* and $640,00 of other frozen squid products. In 1985, Spain purchased to total of $224,000 of frozen squid products. U.S. processors have verified that additional Spanish purchases of purchased *Loligo* squid will continue to occur in 1986.

Sales of TALFF and Similar Species Products Into U.S. Markets—Through June, 1986 Spain has sold into the United States a total of $1.3 million of TALFF or similar species including $1.0 million of frozen flatfish fillets, $68 thousand of squid products, and $106 thousand of analog surimi products.

Trade Facilitation Activities—Spain maintains tariff and non-tariff barriers on fish imports, but has recently joined the European Community. Spanish non-tariff barriers like import quotas will probably continue on severl products for a certain period of time after joining the EC.

At-Sea Purchases From U.S. Fishermen–Joint Ventures—In the 1985–86 fishing year Spanish vessels purchased from U.S. harvesters approximately 1,100 mt of squid. Spain requested 300 mt of *Loligo* JVP and 1,500 mt of *Illex* JVP for 1986. Spain has purchased during the 1986 fishing year through mid-August, 229 mt of *Loligo* and 290 mt of *Illex*. The Spanish have requested that their joint venture request be increased to 600 mt of *Loligo*.

Conservation of U.S. Fishery Resources

Operations and Enforcement—In the 1985–86 fishing year, Spanish vessels were served 11 notices of violation. The Spanish during this year also severely exceeded their butterfish bycatch allocations and required supplemental butterfish allocations in order to complete their fishery for squid.

Harvest of Anadromous Species of U.S. Origin

No information to report.

Soviet Union

Contributions to U.S. Fishing Industry Development

Purchases of U.S. Processed Product—There were no exports of U.S. fish products to the Soviet Union in the first six months of 1985 and 1986.

Trade Facilitation Activities—The U.S. joint venture continues to be extremely good. Soviet joint venture activities doubled off Alaska in 1985 as Soviet effort shifted to the north from Washington-Oregon-California area. Soviet joint venture catch was 187,400 mt worth an estimated $28 million, some 95 percent of the Soviet request. Thus far in 1986, good performance has been reported, and operations have been running smoothly, with purchases reaching 148,105 mt in July. The Pacific whiting joint ventures off Washington-Oregon-California area are running smoothly so far in 1986. The initial Soviet joint venture request of 40,000 mt is approximately 4 times their 1985 purchases.

In the Northwest Atlantic the Soviet Union requested a joint venture for silver and red hake. While Soviet processing vessels were available, U.S. vessels couldn't find any concentrations of fish. After a couple of weeks the Russians left for Canadian waters without providing any of the required reports required by the foreign fishing regulations. The performance of this joint venture was poor.

Joint venture purchase in 1985 declined severely for 2 reasons, first, the initial request for whiting in 1985 was lower due in part to product quality concerns. Second, when directed fish allocated was reduced by one-half due to whaling certification, the Soviets responded by reducing joint ventures one-half.

Conservation of U.S. Fishery Resources

Operations and Enforcement—No significant enforcement problems were reported in 1985 and with the Soviet joint ventures off Alaska this year. (The Soviet Union does not have any foreign fishing allocations this year due to the Secretary of Commerce's certification of the Soviet Union for whaling). The Soviet Union, however, had operational problems early in 1985 in its yellowfin sole fishery. A large number of Soviet vessels targeting yellowfin sole caught an excessive amount of king crab in their trawls.

Research—In the past, the USSR spread its research effort evenly in 3 zones, the Pacific Coast, GOA, and Bering Sea. The USSR will not survey the Pacific Coast this year. This has been an important survey because of the ichthyoplankton work that was conducted. In addition, the USSR did not send a dedicated vessel to survey the GOA in 1986. Instead, the vessel was directed from the Bering Sea to the GOA for a 35 day survey. In total, Soviet vessels will spend in excess of 100 days accessing fish stocks in the EEZ during 1986.

Harvest of Anadromous Species of U.S. Origin

There have been periodic high salmon bycatches in joint ventures for whiting. However, Soviet processing vessels have moved to other areas to avoid salmon bycatch whenever the problem has arisen.

Dated: September 5, 1986.

William G. Gordon,

Assistant Administrator for Fisheries.

[FR Doc. 86–20394 Filed 9–5–86; 4:39 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 175
Wednesday, September 10, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

September 5, 1986.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promply, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Animal and Plant Health Inspection Service

Endangered Species Regulations and Forfeiture Procedures
PPQ Forms 621, 623, 625, 626
Recordkeeping; On occasion
Businesses or other for-profit; Small businesses or organizations; 16,657 responses; 3,154 hours; not applicable under 3504(h)
Don Thompson (301) 436–8295

- Forest Service

Forest Industries Data Collection System
Annually
Businesses or other for-profit; 2,312 responses; 1,733 hours; not applicable under 3504(h)
Bill McLain (801) 625–5381

Revision

- Food and Nutrition Service

Food Stamp Program Operations Study—Phase II
One-time survey
State or local governments; 380 responses; 570 hours; not applicable under 3504(h)
Boyd Kowal (703) 756–3115

Jane A. Benoit,
Departmental Clearance Officer.

[FR Doc. 86–20376 Filed 9–9–86; 8:45 am]
BILLING CODE 3410–01–M

Animal and Plant Health Inspection Service

[Docket No. 86–352]

Genetically Altered Tobacco Plant; Determination of Plant Pest Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has reviewed a protocol submitted by the Rohm and Haas Company, Philadelphia, Pennsylvania, for the field testing of genetically altered insect resistant tobacco plants. Based upon the data submitted in the protocol, APHIS has made a determination of the plant pest status of the genetically altered tobacco Plants. APHIS has concluded that the genetically altered tobacco plants are not plant pests.

ADDRESS: Copies of the APHIS opinion letter and the Rohm and Haas protocol may be obtained by contacting Shirley Ingebritsen, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 600, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8896.

FOR FURTHER INFORMATION CONTACT: John R. Wood, Director, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 600, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8896.

SUPPLEMENTARY INFORMATION:

Background

On May 20, 1986, the Rohm and Haas Company, of Philadelphia, Pennsylvania, submitted to the Animal and Plant Health Inspection Service (APHIS) a protocol for the field testing of genetically altered insect resistant tobacco plants at Cleveland, Mississippi, and Homestead, Florida. The genetically altered tobacco plants were altered by the addition of a single gene from the organism *Bacillus thuringiensis* (B.t.), for the purpose of making the plants resistant to larvae or caterpillars of the order *Lepidoptera*.

The field testing is designed to evaluate the performance of the tobacco plants which contain a protein antagonistic to Lepidopteran larvae that are feeding on the genetically altered tobacco plants, specifically tobacco hornworm (*Manduca sexta*) and tobacco budworm (*Heliothus virescens*). Survival of larvae feeding on these plants will be compared to the survival of larvae after application of normal and subnormal rate of Dipel®, or Thuricide®, B.t.-based commercial insecticides. A successful test will determine whether modified plants are protected against those feeding insect populations as effectively as those plants that have received applications of commerical insecticide.

Pursuant to the authority granted by the Federal Plant Pest Act, as amended, (7 U.S.C. 150aa through 150jj), and regulations issued thereunder APHIS is required to prevent the introduction and dissemination of plant pests in the United States. Consistent with this authority APHIS has reviewed the Rohm

and Haas protocol to determine the plant pest status of the genetically altered tobacco plants. APHIS has concluded that the genetically altered tobacco pants are not plant pests. The APHIS determination is not in the form of an "approval" or a "permit", but rather is an option letter which concludes that the genetically altered tobacco plants are not plant pests.

The basis for this determination was as follows:

1. The plasmid of *Agrobacterium tunefaciens* used to infest and transform the subject tobacco plants was biologically "disarmed". Thus, it was extremely unlikely that the plasmid used to transfer the B.t.2 gene and the associated antibiotic marker would also be able to incite crown gall disease.

2. There was no evidence of a pathogenic Ti plasmid in the subject tobacco strains. Thus it was possible to conclude that the plasmid was not retained and transmitted to subsequent plant cell generations.

3. There do not appear to be any instances in which the B.t.2 gene has not been incorporated into the plants' genome.

4. It appears that the subject plants will grow in such a way that there will be no significant risk of plant material from field testing surviving in the environment beyond the termination of the experiment, or becoming mixed with the genetic material of other tobacco populations outside of the test site. At both the Dade County, Florida, and the Cleveland, Mississippi, facilities the combination of physical environment and management practices outlined in the protocol would create a nonpropogative environment that would provide the necessary degree of biological and genetic containment.

Done in Washington, DC, this 5th day of September 1986.

William F. Helms,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 86-20377 File 9-9-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 334]

Resolution and Order Approving the Application of the Lummi Indian Business Council for a Foreign-Trade Zone on the Lummi Indian Reservation, Whatcom County, WA

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 USC 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Lummi Indian Business Council, the governing body of the Lummi Indian Tribe, filed with the Foreign-Trade Zones Board (the Board) on May 10, 1985, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone on the Lummi Indian Reservation in Whatcom County, Washington, adjacent to the Bellingham Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant; To Establish, Operate, and Maintain a Foreign-Trade Zone on the Lummi Indian Reservation in Whatcom County, Washington

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 USC 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Lummi Indian business Council (the Grantee), the governing body of the Lummi Indian Tribe, has made application (filed May 10, 1985, Docket No. 9–85, 50 FR 20817) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone on the Lummi Indian Reservation in Whatcom County, Washington, adjacent to the Bellingham Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 128 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C., this 4th day of September 1986, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldridge,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86-20389 Filed 9-9-86; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 335]

Resolution and Order Approving the Application of the Port of Bellingham of Whatcom County, Washington, for Foreign-Trade Zones in Bellingham, Blaine, and Sumas, WA

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 USC 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Port of Bellingham County, Washington, filed with the Foreign-Trade Zones Board (the Board) on May 10, 1985, as amended April 2, 1986, requesting a grant of authority for establishing, operating, and maintaining general-purpose foreign-trade zones in Whatcom County, Washington, at sites in the Bellingham, Blaine, and Sumas Customs ports of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zones. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant; To Establish, Operate, and Maintain Foreign-Trade Zones in Bellingham, and Sumas, Washington

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintanance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 USC 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Port of Bellingham of Whatcom County, Washington (the Grantee), has made application (filed May 10, 1985, Docket No. 10–85, 50 FR 20817) in due and proper form to the Board, requesting the establishment, operation, and maintenance of foreign-trade zones in Bellingham, Blaine, and Sumas, all in Whatcom County, Washington, within the Bellingham, Blaine, and Sumas Customs ports of entry;

Whereas, notice of said applications has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining foreign-trade zones, designated on the records of the Board as Zone Nos. 129, 130, and 131, respectively, at the locations mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zones shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zones sites in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zones.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zones, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, DC., this 4th day of September 1986, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldridge,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86-20390 Filed 9-9-86; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on October 7, 1986 from 10:00 A.M. to 12:00 Noon, in Room 1414 of the U.S. Department of Commerce Building at 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The Committee provides advice about ways to promote increased exports in U.S. textiles and apparel.

Agenda

Review of export data; report on conditions in the export market; recent foreign restrictions affecting textiles; export expansion activities; and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact Helen LaGrande (202) 377–3737.

Dated: August 29, 1986.

Ronald I. Levin,

Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 86-20392 Filed 9-9-86; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Proposed Marine Mammals Permit Modification; Dr. Donald B. Siniff (P5F)

Notice is hereby given that *Dr. Donald B. Siniff, Department of Ecology & Behavioral Biology, University of Minnesota, Minneapolis, Minnesota 55455* has requested a modification to permit No. 479 issued on *July 25, 1984* (50 F.R. 16283), under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Permit Holder is requesting *to radio tag, using a interperitoneal implant, five (5) Weddell seals (Leptonychotes weddelli) to compare activity patterns, growth data, and other data of implanted versus non-implanted pups.*

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data reviews, or requests for public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm. 805, Washington, DC; and

Director, Northeast Region, National Marine Fisherieis Service, 14 Elm Street, Federal Bldg., Gloucester, Massachusetts 01930.

Dated: September 4, 1986.

Henry R. Beasley,

Director, Office of International Fisheries, National Marine Fisheries Service.

[FR Doc. 86–20379 Filed 9–9–86; 8:45 am]

BILLING CODE 3510-22-M

Application for Marine Mammals Permit; Janice M. Straley (P263A)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: Janice M. Straley.

b. Address: P.O. Box 273, Sitka, Alaska 99835

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals:

Humpback whale (Megaptera novaeangliae), 400.

Killer whale (Orcinus orca), 50.

Minke whale (Balaenoptera acutorostrata), 20.

4. Type of Activity: Inadvertent harassment during photo-identification.

5. Location of Activity: Southeastern Alaska.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Commission of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individual's requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Room 805, 1825 Connecticut Avenue, NW., Washington, DC; and

Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: September 4, 1986.

Henry R. Beasley,

Director, Office of International Fisheries, National Marine Fisheries Service.

[FR Doc. 20380 Filed 9–9–86; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Intent and Scoping Meeting

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of change of location for a scoping meeting.

SUMMARY: In reference to a notice of a scoping meeting that was published August 29, 1986, 51 FR 30897, the Gulf of Mexico Fishery Management Council has changed the location for the meeting to be held September 10, 1986, at 4:00 p.m. The scoping meeting is being held to obtain comments and recommendations for use in preparation of an environmental impact statement and a fishery management plan for the red drum fishery resources of the Gulf of Mexico .

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, Florida, 813–228–2815.

In FR Doc. 86–19559, appearing on page 30897 in the issue of August 29, 1986, the following change is made: In column 3 under the "**ADDRESS**" heading, the location for the scoping meeting scheduled for September 10, 1986, is changed to the Fort Brown Motor Hotel, 1900 East Elizabeth Street, Brownsville, Texas.

Dated: September 5, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–20347 Filed 9–9–86; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board will meet in closed session on October 1–2, 1986 in the Pentagon, Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering

on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Board will discuss interim findings and tentative recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Panel meetings, concerns matters listed in 5 U.S.C. 552(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Linda M. Lawson,

OSD Federal Register Liaison Officer, Department of Defense.

September 4, 1986.

[FR Doc. 86–20333 Filed 9–9–86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Military Traffic Management Command; Military Personal Property Symposium; Open Meeting

Announcement is made of meeting of the Military Personal Property Symposium. This meeting will be held on 25 September 1986 at the Stouffer Concourse Hotel, Crystal City, Arlington, Virginia, and will convene at 0830 hours and adjourn at approximately 1500 hours.

Proposed Agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to Personal Property Traffic Management Regulation (DOD 4500.34R), and the handling of other matters of mutual interest concerning the Department of Defense Personal Property Shipment and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT–PPM, at telephone number 756–1600, between 0800–1500 hours. Topics to be discussed should be received on or before 19 September 1986.

Dated: September 3, 1986.

Joseph R. Marotta,

Colonel, GS, Director of Personal Property.

[FR Doc. 86–20361 Filed 9–9–86; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate, Restriction of Eligibility for Grant Award; University of Virginia

AGENCY: Department of Energy, (DOE).

ACTION: Notice.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b) it is renewing on a restricted eligibility basis its grant to The University of Virginia for continued effort in carrying out a nuclear reactor operator training program for socially or economically disadvantaged Americans. The renewal is for 16 months and is in the amount of $141,000.

Procurement Request No. 05–86ER75116.001

Project Scope: The University of Virginia was awarded the grant on February 28, 1984, and has been performing the defined effort since March 1, 1984; therefore, renewal of the grant is based on The University of Virginia having an established nuclear reactor operator's training program and having satisfactorily administered the grant effort at UV and at other participating universities at nominal cost. Eligibility for continuation of the grant effort is, therefore, restricted to The University of Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Harold H. Young, ER–44, Division of University and Industry Programs, Office of Field Operations Management, Office of Energy Research, U.S. Department of Energy, 1000 Independence Avenue SW., Forrestal Building, Washington, DC 20585. Telephone Number: (202) 252–6833.

Issued in Oak Ridge, Tennessee, August 8, 1986.

Peter D. Dayton,

Director, Procurement and Contracts Division.

[FR Doc. 86–20357 Filed 9–9–86; 8:45 am]

BILLING CODE 6450-0-M

Bonneville Power Administration

[BPA File No.: AEP-1]

Awards for the Most Energy-Efficient Refrigerators and Freezers

Correction

In FR Doc. 86–19338 beginning on page 30530 in the issue of Wednesday, August 27, 1986, make the following correction on page 30534:

In Table 1, under *Compact Refrigerators*, the second entry is corrected to read as follows:

Group No.	Size Range (cubic feet)	Number of Models in group	EEQL (cubic feet/kwh/day)	AECL (@6.75¢/kwh)	Number of qualifying models
Compact Refrigerators					
R1b	2.5 to 4.4	32	[b]4.0	23	1

BILLING CODE 1505-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER86–656–000, etc.]

Montana Power Co., et al., Electric Rate and Corporate Regulation Filings

September 4, 1986.

Take notice that the following filings have been made with the Commission:

1. Montana Power Company

[Docket No. ER86–656–000]

Take notice that on August 14, 1986, Montana Power Company (Montana) tendered for filing pursuant to section 205 of the Federal Power Act and the Commission's regulations a transfer agreement between Montana and the Bonneville Power Administration (BPA) along with several revisions of the agreement and a further letter agreement. Montana states that the transfer agreement provides a basis for transfer of power generated by BPA over the facilities of Montana to an interconnection between Montana and the Western Area Power Administration for redelivery to Glacier Electric Cooperative, Inc.

Montana reguests waiver of the notice period specified in the Commission's regulations to permit the transfer agreement to be made effective as of January, 1978 and to permit the revisions to be made effective on the dates specified thereon. Montana further requests waiver to permit the letter agreement to become effective as of July 1, 1986. BPA states that a copy of the filing has been mailed to the Montana District Manager for BPA.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Central Vermont Public Service Corporation

[Docket No. ER86-601-000]

Take notice that on September 2, 1986, Central Vermont Public Service (CVPS) tendered for filing additional information relative to its power sales contract with UNITIL Power Corporation which was originally tendered in this docket on July 17, 1986. The Additional information more fully explains the derivation of the energy charges that will apply whenever Vermont Yankee is out of service.

The contract between CVPS and UNITIL provides for a September 30, 1986 effective date. CVPS has asked the Commission to waive the sixty day notice requirement and to allow the September 30, 1986 effective date.

Copies of the filing were served upon the respective jurisdictional customers of the parties hereto, as well as the Vermont Public Service Board and the New Hampshire Public Utilities Commission. CVPS further states that the filing is in accordance with section 35 of the Commission's Regulations.

Comment date: September 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Connecticut Light and Power Company

[Docket No. ER86-680-000]

Take notice that on August 25, 1986, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with respect to various gas turbine units between CL&P, Western Massachusetts Electric Company (WMECO), and the Town of Wallingford, Connecticut (Wallingford), dated as of June 1, 1986. CL&P states that the Purchase Agreement provides for a sale to Wallingford of capacity and energy from gas turbine units of CL&P and WMECO during the period June 1, 1986 until 30 days written notice by either party to the other party. CL&P requests that the Commission permit the rate schedule filed to become effective as of June 1, 1986.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Connecticut Light and Power Company

[Docket No. ER86-677-000]

Take notice that on August 25, 1986, Connecticut Light and Power Company (CL&P) tendered for fling a proposed rate schedule pertaining to a Purchase Agreement with Respect to Various Gas Turbine Units between CL&P, Western Massachusetts Electric Company (WMECO), and the City of Chicopee, Municipal Light Plant (Chicopee), dated as of December 1, 1985.

CL&P states that the rate schedule provides for a sale to Chicipee of capacity and energy from gas turbine units of CL&P and WMECO during the period December 1, 1985 until 30 days written notice by either party, together with related transmission service. CL&P requests that the Commission permit the rate schedule filed to become effective as of December 1, 1985.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power & Light Company

[Docket No. ER86-675-000]

Take notice that on August 22, 1986, Florida Power & Light Company (FPL) tendered for filing a document entitled Amendment Number Nineteen to Revised Agreement to Provide Specified Transmission Service between Florida Power & Light Company and Fort Pierce Utilities Authority (Rate Schedule FERC No. 68). FPL also tendered for filing the Schedule TX Operating Agreement Between FPL and the Fort Pierce Utilities Authority. FPL requests that the Commission grant waiver of its notice requirements to allow the proposed Amendment and the Operating Agreement to be made effective immediately.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Gulf States Utilities Company v. Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Southern Company Services, Inc.

[Docket No. EL86-57-000]

Take notice that on August 28, 1986, Gulf States Utilities Company (Gulf States), pursuant to Section 206 of the Federal Power Act, 16 U.S.C. 824e and Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, filed a Complaint and Request for Evidentiary Hearing (Complaint) seeking a declaration that the Unit Power Sales Agreement (Agreement) and Schedule E to the Interchange Contract (Schedule E) between Gulf States, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Southern Company Services, Inc. have became unlawful and void under section 206 of the circumstances that were not and could not reasonably have been foreseen by the parties. Gulf States requests that the Commission set the issues raised by its complaint for evidentiary hearing and that it expeditiously hear and decide such issues and grant the relief sought by Gulf States in its complaint.

Gulf States certifies that it has mailed copies of its complaint and request for evidentiary hearing to an official of Southern Company Services, Inc. and to counsel for Southern Company Services, Inc.

Comment date: October 6, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Idaho Power Company

[Docket No. ER86-681-000]

Take notice that on August 26, 1986, Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during June 1986, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement No. 55
Sierra Pacific Power Company, Supplement No. 52
Portland General Electric Company, Supplement No. 48
Washington Water Power Company, Supplement No. 40
Puget Sound Power & Light Company, Supplement No. 23
Montana Power Company, Supplement No. 42
Pacific Power & Light Company, Supplement No. 18

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this document.

8. Mississippi Power & Light Company

[Docket No. ER86-679-000]

Take notice that on August 25, 1986, Mississippi Power & Light Company (MP&L) tendered for filing an executed Service Schedule J—Replacement Energy, along with an amending July 31, 1986, letter agreement between MP&L and the Municipal Energy Agency of Mississippi (MEAM); and (b) an executed July 21, 1986 Letter Agreement for Short-Term Firm Power, along with an amending July 31, 1986, letter agreement, between MP&L and MEAM. MP&L requests waiver of the Commission's advance notice

requirements to allow the agreements to go into effect on the stated date.

MP&L states that copies of the filing have been mailed to MEAM and the Mississippi Public Service Commission.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Company

[Docket No. ER86-687-000]

Take notice that on August 29, 1986, New England Power Company ("NEP") filed revised tariff sheets constituting a new rate W-8 for its Primary Service for Resale. NEP states that its W-8 revised tariff sheets will increase jurisdictional revenues by approximately $87.6 million on the basis of a 1987 test year. NEP states that the W-8 rate reflects the completion, and the inclusion in rate base, of NEP's investment in the Seabrook 1 nuclear project and the costs associated with operation of that unit beginning on May 1, 1987. NEP requests an effective date of November 1, 1986, for the W-8 rate.

As an alternative to the full W-8 rate, NEP has filed a bifurcated rate. Step 1, the W-8(a) rate, would increase jurisdictional revenues by approximately $43 million. NEP requests that the W-8(a) rate be suspended for two months and made effective January 1, 1987. The second step, the W-8(b) rate, would increase jurisdictional revenues by an additional $5.3 million per month. NEP requests that the W-8(b) rate be suspended for the full five months and that it now be given permission to defer billing under that rate until the date on which Seabrook 1 nuclear unit enters commercial service. NEP estimates that the unit will enter service on May 1, 1987 but that commercial operation could be delayed beyond that date. If the Commission does not accept the bifurcated rate, NEP requests that the full W-8 rate be suspended for two months and that it be permitted to bill under that rate on January 1, 1987.

According to NEP, the filing also includes rate provisions and terms and conditions for a new form of service under Tariff No. 1—Service for Resale to Interruptible Customers. Further, NEP states that it is proposing for the first time marginal cost rates, including a time-of-use marginal rate, to be made effective upon final Commission approval.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Company

[Docket No. ER86-688-000]

Take notice that on August 29, 1986, New England Power Company ("NEP") tendered for filing a proposed change in its Service Agreement for Primary Service for Resale with The Narragansett Electric Company ("NARRAGANSETT"). The proposed change would decrease the fixed credits allowed Narragansett on its purchased power billing by NEP in the amount of $85,300 annually based on the 12 month period ending December 31, 1987.

NEP requests an effective date of November 1, 1986. However, NEP requests that the amendment be suspended for no longer than two months to become effective January 1, 1987, in order to coincide with the effective date of its W-8 wholesale rate filing.

Copies of the filing were served upon Narragansett and the Rhode Island Public Utilities Commission.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

11. San Diego Gas & Electric Company

[Docket No. ER86-678-000]

Take notice that on August 25, 1986, San Diego Gas & Electric Company (SDG&E) tendered for filing Amendment No. 1 to the Interchange Agreement between SDG&E and State of California Department of Water Resources, dated July 8, 1986.

SDG&E requests waiver of the Commission's notice regulations to allow the filing to become effective as of July 8, 1986.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

12. Southern Company Services, Inc.

[Docket No. EL86-53-000]

Take notice that on August 25, 1986, Southern Company Services, Inc., acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company (the Southern companies), filed a petition for a declaratory order to terminate a controversy and remove uncertainty and a request for order to show cause. The petition states that uncertainty exists regarding a unit power sales agreement and an interchange contract between Southern Companies and Gulf States utilities Company (Gulf States). The petition describes the controversy that has resulted in the uncertainty and asks the Commission to issue an order to terminate the controversy and to remove the uncertainty. The petition also asks further or in the alternative that the Commission issue an order pursuant to Rule 209(a)(2) of the Rule of Practice and Procedure (18 CFR 385.209(a)(2)) directing Gulf States to show cause why it is not performing in accordance with its contractual obligations and why its actions do not constitute an attempt to avoid, circumvent, and frustrate the jurisdiction and authority of the Commission.

Southern Companies certify that copies of the petition have been served upon counsel for Gulf States.

Comment date: September 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

13. Tucson Electric Power Company

[Docket No. ER86-676-000]

Take notice that on August 22, 1986, Tucson Electric Power Company (Tucson) tendered for filing an Interconnection Agreement between Tucson and Rocky Mountain Generating Cooperative, Inc. (Rocky Mountain). The primary purpose of this Agreement is to provide the terms and conditions relating to the interconnection of the electrical systems of Tucson and Rocky Mountain and the exchange of capacity and energy between the two systems. Tucson states that services may be provided under Service Schedule A to the Agreement, entitled Economy Energy Interchange.

Tucson states that copies of the filling were served upon Rocky Mountain. Tucson requests an effective date of November 1, 1986.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

14. Western Massachusetts Electric Company

[Docket No. ER86-378-000]

Take notice that on August 11, 1986, Western Massachusetts Electric Company (WMECO) tendered for filing revised information to support the calculation in the proposed rate schedule under a Distribution Line Agreement dated February 4, 1985 between (1) WMECO and (2) Chicopee Hydroelectric Limited Partnership (CHLP) (Distribution Agreement). The calculation which require definition in order for the basis of the calculation to be supported. Pursuant to FERC's request, the definition for one of the components is now revised. WMECO renews its request that the Commission waive its standard notice period and permit the Distribution Agreement to become effective as of February 4, 1985.

WMECO states that a copy of this filing has been mailed to CHLP,

Portland, Maine. WMECO further states that this filing is in accordance with Section 35 of the Commission's Regulations.

Comment date: September 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-20395 Filed 9-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS68-49, etc.]

Don O. Chapell, Inc. (Don O. Chapell), et al.; Applications for Small Producer Certificates [1]

September 4, 1986.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make protest with reference to said applications should on or before September 25, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.122, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS68-49	[1] 8-13-86	Don O. Chapell, Inc. (Don O. Chapell) 2230 Republic Bank Tower, Dallas, Texas 75201
CS71-1144	[2] 8-11-86	J. M. Fullinwider d/b/a V-F Petroleum Inc. (J. M. Fullinwider) Suite 580, One Marienfeld Place, Midland, Texas 79701
CS73-134	[3] 8-8-86	Vernon Greene and V.H. Funk (Greene & Funk Oil Company) 202—10th Street, Levelland, Texas 79336
CS79-470-001	[4] 7-25-86	Houston Oil Fields Company, Houston Oil Fields Company (South Texas) and Houston Oil Fields Company (East Texas), a Texas corporation (Houston Oil Fields Co.) 1600 Smith Street, Suite 4300, Houston, Texas 77002
CS86-85-000	7-25-86	Oil Brokers, Tennessee, Inc., 330 North Belt East, Suite 215, Houston, Texas 77060
CS86-87-000	7-29-86	Everett L. Ashley, William D. Heldmar, Robert H. Mase, Robert J. Wurtzbacher, Jr. and WHAM, a partnership, 8801 South Yale, Suite 150, Tulsa, Oklahoma 74137
CS86-88-000	8-4-86	Pi Energy, P.O. Box 19591, Houston, Texas 77224
CS86-90-000	8-18-86	Delaware Royalty Company, Inc., 1212 Main Street, Suite 1400, Houston, Texas 77002
CS86-91-000	8-18-86	Riseden Ltd, Inc., 1300 Cashco Tower, 8 Greenway Plaza, Houston, Texas 77046
CS86-92-000	8-27-86	Citation Oil & Gas Corp., 16800 Greenspoint Park Drive, Suite 300 South, Houston, Texas 77060

[1] By letter dated August 6, 1986, Applicant states it has succeeded to all of the working interests in jurisdictional sales of natural gas previously made by Don O. Chapell, and requests that the small producer certificate issued to Don O. Chapell in Docket No. CS68-49 be redesignated under the name of Don O. Chapell, Inc.

[2] By letter dated July 29, 1986, Applicant states J. M. Fullinwider is the sole owner and operates as V-F Petroleum Inc. Applicant requests the small producer certificate issued in Docket No. CS71-1144 be amended to read J. M. Fullinwider d/b/a V-F Petroleum Inc.

[3] By letter dated August 5, 1986, Applicants state that on May 1, 1986 Greene & Funk Oil Company was dissolved in a friendly dissolution and Mr. Vernon Greene and Mr. V. H. Funk would like to redesignate the small producer certificate issued to Greene & Funk Oil Company under their own names.

[4] Applicants request redesignation of small producer certificate to reflect that Houston Oil Fields Company merged with Houston Oil Fields Co. in June 1983. Applicants further request the small producer certificate issued in Docket No. CS79-470 cover Houston Oil Fields Company's subsidiaries, Houston Oil Fields Company (South Texas) and Houston Oil Fields Company (East Texas), a Texas corporation. Applicants also state that Encino Energy & Development Corporation merged with Houston Oil Fields Company (South Texas) in August 1984, and Applicants therefore request that the small producer certificate issued to Encino in Docket No. CS84-115-000 be terminated.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc. 86-20396 Filed 9-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-2621-001, etc.]

Phillips Petroleum Co., et al.; Applications for Abandonment and Blanket Limited-Term Certificate With Pre-Granted Abandonment Authorization

September 5, 1986.

Take notice that Phillips Petroleum Company has filed applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service or for a blanket limited-term certificate with pre-granted abandonment authorization to sell natural gas in interstate commerce, as described herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protests with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2621-001, B, August 28, 1986	Phillips Petroleum Company, 336 Home Savings & Loan Building, Bartlesville, OK 74004.	Northern Natural Gas Company, Puckett Ellenberger Field, Pecos County Texas.	(1)	
G-11990-000, B, August 28, 1986	do	Northern Natural Gas Company, Vinegarone Field, Val Verde County, Texas.	(2)	
G-12690-000, B, August 28, 1986	do	Northern Natural Gas Company, East Hansford Area, Hansford County, Texas.	(3)	
CI86-709-000, A, August 28, 1986	do	(4)		
CI86-710-000, A, August 28, 1986	do	(4)		
CI86-711-000, A, August 28, 1986	do	(4)		

[1] Applicant requests a limited-term abandonment for a period of two-years of certain sales to Northern Natural Gas Company covered under contract dated February 8, 1952, and Applicant's FERC Gas Rate Schedule No. 18. Applicant states that it has continued to experience substantially reduced takes without payment. Applicant states that the gas qualifies under NGPA sections 104 flowing gas, 104 1973-1974 biennium gas and 108, and that the estimated deliverability is approximately 60,000 Mcf/day. Applicant proposes to sell the gas on the interstate spot market and has therefore filed for a blanket certificate in Docket No. CI86-709-000.

[2] Applicant requests a limited-term abandonment for a period of two-years of certain sales to Northern Natural Gas Company covered under contract dated June 10, 1982, and Applicant's FERC Gas Rate Schedule No. 291. Applicant states that it has continued to experience substantially reduced takes without payment. Applicant states that the gas qualifies under NGPA sections 104, 1973-1974 biennium gas and 106(a)(2), and that the estimated deliverability is approximately 4,000 Mcf/day. Applicant proposes to sell the gas on the interstate spot market and has therefore filed for a blanket certificate in Docket No. CI86-711-000.

[3] Applicant requests a limited-term abandonment for a period of two-years of certain sales to Northern Natural Gas Company covered under contract dated July 1, 1982, and Applicant's FERC Gas Rate Schedule No. 284. Applicant states that it has continued to experience substantially reduced takes without payment. Applicant states that the gas qualifies under NGPA sections 106(a)(2) and 108, and that the estimated deliverability is approximately 3,000 Mcf/day. Applicant proposes to sell the gas on the interstate spot market and has therefore filed for a blanket certificate in Docket No. CI86-710-000.

[4] Applicant requests in Docket Nos. CI86-709-000, CI86-710-000 and CI86-711-000 blanket limited-term certificates with pre-granted abandonment for a period of two-years to make sales for resale in interstate commerce for gas subject to the limited-term abandonments in Docket Nos. G-2621-001, G-12690-000, and G-11990-000, respectively. Applicant states that it will file any rate schedules required by the order granting the certificates, however Applicant requests a reporting requirement in lieu thereof.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-20397 Filed 9-9-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-140078; FRL-3077-5]

Access to Confidential Business Information by the National Archives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized an employee of the National Archives for access to information which has been submitted to EPA under sections 5 and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATE: Access to the confidential data submitted to EPA will occur no sooner than September 24, 1986.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll-free: (800-424-9065), in Washington, DC: (554-1404), Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION: In a letter to EPA, dated July 28, 1986, the Director of the Records Appraisal and Disposition Division of the National Archives requested that an employee on his staff be authorized for access to TSCA CBI to review and appraise the OTS records listed on a disposition schedule submitted to the National Archives and Records Administration (NARA) by EPA.

In reviewing the disposition schedules NARA will determine whether records proposed for permanent retention have sufficient continuing value to warrant eventual transfer to the National Archives or if records proposed for disposal do not have sufficient value for purposes of historical or other research, functional documentation, or the protection of individual rights to warrant permanent retention by the Government.

In accordance with 40 CFR 2.306(j), EPA has determined that the National Archives employee will require access to CBI submitted to EPA under TSCA to examine efficiently records covered by proposed schedules. The appraisal will involve examining a cross-section of files to determine the content and value of the records. The National Archives employee will be given access to the TSCA Chemical Inventory File, Premanufacture Notices and TSCA Chemical Substances Inventory and other Section 8 Files.

EPA is issuing this notice to inform submitters of information under sections 5 and 8 of TSCA that EPA may provide the National Archives employee access to these CBI materials on a need-to-know basis. All access to TSCA CBI will take place at EPA Headquarters. The National Archives employee will not remove any CBI materials from EPA premises.

Clearance for this access to TSCA CBI is scheduled to expire on February 28, 1987.

The National Archives employee will be briefed on appropriate security procedures, be given a CBI test, and be required to submit a completed and signed TSCA CBI Access Request Form before access to TSCA CBI is permitted.

Dated: September 3, 1986.

Edwin F. Tinsworth,

Acting Director, Office of Toxic Substances.

[FR Doc. 86-20369 Filed 9-9-86; 8:45 am]

BILLING CODE 6560-50-M

[ORD-FRL-3077-2]

Ambient Air Monitoring Reference and Equivalent Methods; Designation

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255), has designated another equivalent method for the measurement of ambient concentrations of sulfur dioxide. The new equivalent method is an automated method (analyzer) which utilizes a measurement principle based on fluorescence detection of SO_2. The new designated method is:

EQSA-1086-061, "Dasibi Model 4108 U.V. Fluorescence SO_2 Analyzer," operated with a range of 0-100 ppb*, 0-200ppb*, 0-500 ppb, or 0-1000 ppb, with a Teflon-coated particulate filter and a continuous hydrocarbon removal system, with or without any of the following options:

a. Rack Mounting Brackets and Slides

b. RS 232 C Interface

c. Temperature Correction

* Note.—Users should be aware that the designation of ranges less than 500 ppb are based on meeting the same absolute performance specifications required for the 0-500 ppb range. Thus, designation of these lower ranges does not guarantee commensurably better performance than that obtained on the 0-500 ppb. range.

This method is available from Dasibi Environmental Corporation, 515 West Colorado Street, Glendale, California 92204. A notice of receipt of application for this method appeared in the **Federal Register**, Volume 51, February 18, 1986, page 5802.

A test analyzer representative of this method has been tested by the applicant, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at EPA's Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina, and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated equivalent method, this method is acceptable for use by states and other control agencies under requirements of 40 CFR Part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of Part 58 are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under section 2.8 of Appendix C to 40 CFR Part 58 (Modifications of Methods by Users).

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B–1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been canceled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Environmental Monitoring Systems Laboratory, Department E (MD–77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. The contact for information is C. Frederick Smith at (919) 541–4599.

Designation of this equivalent method will provide assistance to the states in establishing and operating their air quality surveillance systems under Part 58. Additional information concerning this action may be obtained by writing to the address given above. Technical questions concerning the method should be directed to the manufacturer.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not a major regulation because it imposes no additional regulatory requirements, but instead announces the designation of an additional equivalent method that is acceptable for use by states and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance or other applications where use of a reference or equivalent method is required.

This notice was exempted by the Office of Management and Budget for review as required by Executive Order 12291.

Courtney Riorden,

Acting Assistant Administrator for Research and Development.

[FR Doc. 86–20363 Filed 9–9–86; 8:45 am]

BILLING CODE 6560–SO–M

[OPTS–51639; FRL–3077–9]

Certain Chemical Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substance Control Act (TSCA) requries any person who intends to manufacture or import a new chemical substance to submit a permanufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-eight such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86–1583, 86–1584, 86–1585, 86–1586 and 86–1587, November 20, 1986

P 86–1588 and 86–1589, November 23, 1986

P 86–1590 and 86–1591, September 22, 1986

P 86–1592, 86–1593, 86–1594, 86–1595, 86–1596, 86–1597, 86–1598, 86–1599, 86–1600 and 86–1601, November 24, 1986

P 86–1602, 86–1603, 86–1604, 86–1605, 86–1606 and 86–1607, November 25, 1986

P 86–1608, 86–1609 and 86–1610, November 26, 1986

Written comments by:

P 86–1583, 86–1584, 86–1585, 86–1586 and 86–1587, October 21, 1986

P 86–1588 and 86–1589, October 24, 1986

P 86–1590 and 86–1591, August 23, 1986

P 86–1592, 86–1593, 86–1594, 86–1595, 86–1596, 86–1597, 86–1598, 86–1599, 86–1600 and 86–1601, October 25, 1986

P 86–1602, 86–1603, 86–1604, 86–1605, 86–1606 and 86–1607, October 26, 1986

P 86–1608, 86–1609 and 86–1610, October 27, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS–51639]" and the specific PMN number should be sent to: Document Control Officer (TS–790), Confidential Data Branch, Information Management Division, Office of Toxic Substances,

Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidenital document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-1583

Manufacturer. Confidential.
Chemical. (G) Alkyd.
Use/Production. (G) Resin in coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential

P 86-1584

Manufacturer. Confidential.
Chemical. (G) Acrylated alkyd.
Use/Production. (G) Resin in coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1585

Manufacturer. Confidential.
Chemical. (G) Acrylated alkyd.
Use/Production. (G) Resin in coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure: Dermal, a total of 9 workers.
Environmental Release/Disposal. Confidential.

P 86-1586

Manufacturer. Confidential.
Chemical. (G) Acrylated alkyd.
Use/Production. (G) Resin in coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure: Dermal, a total of 9 workers.
Environmental Release/Disposal. Confidential.

P 86-1587

Manufacturer. Sherex Chemical Company, Inc.
Chemical. (G) Dilaurylmethyl amine, methyl dilauryl amine.
Use/Production. (S) Catalyst. Prod. range: Confidential.
Toxicity Data. Skin-corrosive.
Exposure: Dermal, a total of 7 workers, up to 10 hrs/day, up to 9 day/yr.
Environmental Release/Disposal. Minimal release to water by privately owned treatment work (POTW).

P 86-1588

Manufacturer. Borg-Warner Chemical.
Chemical. (G) Modified styrene-olefin copolymer.
Use/Production. (G) Telelectronics, appliances and general electrical applications. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 gm/kg; Irritation: Skin-Mild.
Exposure: Manufacture: dermal, a total of 50 workers, up to 8 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. 0 to 2 kg/day, released to land in an approved landfill. 2 to 6 kg/batch, released to water. Disposal by water to treatment pond (wastewater facility). Confidential.

P 86-1589

Manufacturer. Confidential.
Chemical. (G) Modified styrene-diene-olefin copolymer.
Use/Production. (G) Telelectronics, appliances and general electrical applications. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 gm/kg; Irritant: Skin-Mild.
Exposure: Manufacture: dermal, a total of 50 workers, up to 8 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. 0 to 2 kg/day, released to land in an approved landfill. 2 to 6 kg/batch, released to water. Disposal by water to treatment pond (wastewater facility).

P 86-1590

Manufacturer. National Starch and Chemical Corporation.
Chemical. (G) Acrylate copolymer; sulfonated acrylate copolymer; sulfonated acrylate telomer, sodium salt.
Use/Production. (G) Dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure: Confidential.
Environmental Release/Disposal. Confidential.

P 86-1591

Manufacturer. National Starch and Chemical Corporation.
Chemical. (G) Acrylated copolymer; sulfonated acrylate copolymer; sulfonated acrylate telomer, potassium salt.
Use/Production. (G) Dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure: Confidential.
Environmental Release/Disposal. Confidential.

P 86-1592

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Halogenated substituted ethylene copolymer.
Use/Production. (G) Coatings, separators, and insulators. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 gm/kg; Irritation: Skin-Non-irritant, Eye-Non-irritant.
Exposure: Confidential.
Environmental Release/Disposal. Confidential.

P 86-1593

Importer. Confidential.
Chemical. (G) Substituted Benzophenone.
Use/Import. (S) Industrial UV absorber. Import range: 800 to 1500 kg/yr.
Toxicity Data. No data submitted.
Exposure: No data submitted.
Environmental Release/Disposal. No data submitted.

P 86-1594

Manufacturer. Confidential.
Chemical. (S) 3-[3 ', 4'(methylenedioxy) phenyl]-2-methyl-N-(2''-carbomethoxyphenyl]-1-imino-propane.
Use/Production. (S) Commercial fragrance component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure: Manufacture: dermal, a total of 4 workers, up to 0.15 hrs/da, up to 34 day/yr.
Environmental Release/Disposal. No data submitted.

P 86-1595

Importer. Confidential.
Chemical. (G) Alkoxy substituted carboxy acetonitrile.
Use/Import. (G) Destructive use. Import. range: Confidential.
Toxicity Data. No data submitted.
Exposure: Confidential.
Environmental Release/Disposal. 0.05 to <2.5 kg/batch released to land. Disposal by approval landfill.

P 86-1596

Manufacturer. Confidential.
Chemical. (S) Z-3-hexene-1-bromo.
Use/Production. (G) Site limited chemical intermediate. Prod. range: 1200 to 2000 kg/yr.

Toxicity data. No data submitted.
Exposure. Manufacture: dermal, a total of 10 workers, up to 0.5 hrs/da, up to 24 da/yr.
Environmental Release/Disposal. No data submitted.

P 86–1597

Manufacturer. Nuodex, Inc.
Chemical. (G) Alkyl cycloalkyl trimellitate.
Use/Production. (G) Plastics additive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 15 workers, up to 8 hrs/da, up to 83 da/yr.
Environmental Release/Disposal. 10^{-6} kg/batch released to air with 0.1 kg/batch to water and 70 kg/batch to land. Disposal by landfill and navigable waterway.

P 86–1598

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (G) Intermediate for paint and electrical insulation. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1599

Importer. BP Chemicals Americas, Inc.
Chemical. (G) Pentaerythritol type ester.
Use/Importer. (G) Plasticiser. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86–1600

Manufacturer. King Industries, Inc.
Chemical. (G) Alkyl naphthalene sulfonic acid, compound with amine.
Use/Production. (G) Coatings additive. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0g/kg; Irritation: Skin—Moderate, Eye—Corrosive; Inhalation: >200 mg/1; Acute dermal: >2 g/kg.
Exposure. Manufacture: a total of 2 workers, up to 2 hrs/da, 30 da/yr.
Environmental Release/Disposal. Confidential.

P 86–1601

Manufacturer. Alzo, Inc.
Chemical. (S) Dimethyl lauramine dimer dilinoleate, dilauryldimethylamine, 9,12-octadecadienoate (Z,Z-Dimer).
Use/Production. (S) Softener for hair products. Prod. range: 2,500 to 10,000 kg/yr

Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 16 workers, up to 2 hrs/day, up to 4 day/yr.
Environmental Release/Disposal. 1 to 20 kg/batch released to water. Disposed by publicly owned treatment work (POTW).

P 86–1602

Importer. Stockhausen, Inc.
Chemical. (G) N-alkylaminoacrylamide.
Use/Import. (S) Starting monomer for high molecular weight polymers. Import. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: a total of 4 workers, up to 2 hrs/da, up to 13 day/yr.
Environmental Release/Disposal. Confidential.

P 86–1603

Importer. Stockhausen, Inc.
Chemical. (G) N-alkylaminoacrylamide, hydrochloric acid salt.
Use/Import. (S) Starting monomer for high molecular weight polymers. Import. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: a total of 4 workers, up to 2 hrs/da, up to 13 day/yr.
Environmental Release/Disposal. No data submitted.

P 86–1604

Importer. Stockhausen, Inc.
Chemical. (G) N-alkylaminoacrylamide, sulfuric acid salt.
Use/Import. (S) Starting monomer for high molecular weight polymers. Import. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: A total of 4 workers, up to 2 hrs/da, up to 25 da/yr.
Environmental Release/Disposal. No data submitted.

P 86–1605

Importer. Stockhausen, Inc.
Chemical. (G) N-alkylaminoacrylamide, quaternary salt.
Use/Import. (S) Starting monomer for high molecular weight polymers, Import. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: a total of 4 worker, up to 2 hrs/day, up to 13 day/yr.
Environmental Release/Disposal. No data submitted.

P 86–1606

Importer. Stockhausen, Inc.
Chemical. (G) N-alkylaminoacrylamide, alkylsulfate salt.
Use/Import. (S) Starting monomer for high molecular weight polymers. Import. range: Confidential.

Toxicity Data. No data submitted.
Exposure. Processing: a total of 4 worker, up to 2 hrs/day, up to 13 day/yr.
Environmental Release/Disposal. No data submitted.

P 86–1607

Importer. Confidential
Chemical. (G) Brominated Isocyanurates additive.
Use/Import. (G) Additive for plastic products. Import. range: Confidential.
Toxicity Data. Acute oral: > 7,000 mg/kg; Irritation: Skin—Non-irritant; Ames test: Non-mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–1608

Manufacturer. Synthetics Products Company.
Chemical. (G) Calcium carboxyalte.
Use/Production. (G) Additive for Polymer compounds. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. 50 kg/batch released to air and land. Disposal by air dust collection system and landfill.

P 86–1609

Manufacturer. Jim Walter Research Corporation.
Chemical. (G) Polyester of aliphatic acid.
Use/Production. (G) Industrial processing aid. Prod. range: 100,000 to 1,000,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 10 workers, up to 1 hr/day, up to 180 day/yr.
Environmental Release/Disposal. 10 to 95 kg/batch released to effluent system then to water. Disposal by POTW.

P 86–1610

Manufacturer. Confidential.
Chemical. (G) Methacrylated polybutadiene.
Use/Production. (S) Commercial printing plate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Dated: August 29, 1986.

V. Paul Fuschini,

Acting Division Director, Information Management Division.

[FR Doc. 86–20366 Filed 9–9–86; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59783; FRL-3077-4]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires that any person who intends to manufacture or import a new chemical substance to submit a premanufacture noitice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of seven such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 86–227, September 11, 1986
Y 86–228, September 14, 1986
Y 86–229, September 15, 1986
Y 86–230, 86–231 and 86–232, September 16, 1986
Y 86–233, September 17, 1986

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Manangement Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street, SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE–G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86–227

Importer. Dynamit Nobel Chemicals.

Chemical. (G) Polyester resin of an aryl ester, alkyl dicarboxylic acid an alkyl diol.

Use/Import. (S) Industrial hot melt adhedsive for bonding vinyl film to rigid substrates and solution cured with an isocyanate for bonding vinyl film rigid substrates. Import range: 30,000 to 50,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86–228

Importer. Confidential.

Chemical. (G) Hydroxy functional styrenated acrylate methacrylate.

Use/Import. (G) Industrially used coating having a dispersive use. Import range: 1,500 to 3,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86–229

Manufacturer. NL Industries, Inc.

Chemical. (G) Water dispersible polyester resin.

Use-Production. (G) A polyester resin to be used in an open, non-dispersive manner. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86–230

Manufacturer. Confidential.

Chemical. (G) Acrylic solution.

Use/Production. (S) Industrial protection resin used on exterior of closures (lids of jars) etc. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 14 hrs/da, up to 6 day/yr.

Environmental Release/Disposal. No release.

Y 86–231

Manufacturer. Confidential.

Chemical. (G) Styrenic-methacrylic copolymer.

Use/Production. (S) Industrial, commercial and consumer polymer for use in coatings, inks and adhesives. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Y 86–232

Manufacturer. Confidential.

Chemical. (G) Unsaturated polyester polymer.

Use/Production. (S) Blending resin for use with other vinyl monomer-modified polyester resins to improve flexibility and coating resin flexible sheeting and traffic paints for concrete. Prod. range: Confidential.

Toxicity Data. No Date submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86–233

Importer. Velco Enterprises LTD.

Chemical. (G) Ethylene oxide-propylene oxide copolymer ether with sorbitol.

Use/Import. (S) Industrial polyol component in structural rigid polyurethane. Import range: Confidential.

Toxicity Data. No date submitted.

Exposure. Processing: demal and ocular, a total of 1 worker, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No data submitted.

Dated: August 29, 1986.

V. Paul Fuschini,

Acting Division Director, Information Management Division.

[FR Doc. 86–20367 Filed 9–9–86; 8:45 am]

BILLING CODE 6560–50–M

[PP 0G2360/T528; FRL–3077–8]

Ethephon; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended a temporary tolerance for residues of the plant regulator ethephon in or on the raw agricultural commodity sugarcane.

DATE: This temporary tolerance expires July 14, 1988.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of October 17, 1984 (49 FR 40662), stating that a temporary tolerance had been renewed for residues of the plant regulator ethephon [(2-chloroethyl)phosphonic acid] in or on the raw agricultural commodity sugarcane at 0.6 part per million (ppm). This tolerance was issued in response to pesticide petition PP 0G2360, submitted by Union Carbide Agricultural Products Co., Inc., P.O. Box 12014, Research Triangle Park, NC 27709. A related document (FAP 0H5263), food additive regulation for residues of the plant regulator in sugarcane molasses at 7.0

parts per million (ppm) has been extended.

This temporary tolerance has been extended to permit the continued marketing of the raw agricultural commodity named above when treated in accordance with the provisions of experimental use permit 264-EUP-59, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of this temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Union Carbide must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires July 14, 1988. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: August 28, 1986.

James W. Akerman,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-20365 Filed 9-9-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59229; FRL-3077-6]

Substituted Amide; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirments for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice issued under section 5(h)(6) of TSCA, announces receipt of one application for examption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: September 25, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-59229]" and the specific TME number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 86-58

Close of Review Period. October 9, 1986.

Manufacturer. Monsanto Company.

Chemical. (G) Substituted amide.

Use/Production. (G) Chelating agent for chemical process in closed system. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5,000 mg/kg; Acute dermal 5,000 mg/kg; Irritation: Skin—Moderate, Eye—Moderate: LC_{50} 96 hr (fathead minnow): 32 mg/1, LC_{50} 48 hr (daphnia magna): 5.6 mg/1.

Exposure. Manufacture: total of less than 5 workers.

Environmental Release/Disposal. 0.002 kg/batch released to air with 0.5 to 2.7 kg/batch to water. Disposal by publicly owned treatment work (POWT) and biological treatment system.

Dated: August 29, 1986.

V. Paul Fuschini,

Acting Division Director, Information Management Division.

[FR Doc. 86-20368 Filed 9-9-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100036; FRL-3077-2]

Pesticide Programs; Sycom, Inc. and Logic Unlimited, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Sycom, Inc. and its subcontractor, Logic Unlimited, Inc. have been awarded a contract to perform work for EPA's Office of Pesticide Programs (OPP), and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to Sycom, Inc. and Logic Unlimited, Inc. consistent with the requirements of 40 CFR 2.307(h) and 2.308(h)(2) respectively. This action will enable Sycom, Inc. and Logic Unlimited, Inc. to fulfill the obligations of the contract and serves to notify affected persons.

DATE: Sycom, Inc. and Logic Unlimited, Inc. will be given access to this information no sooner than September 15, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Office location and telephone number: Rm. 222, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–2613).

SUPPLEMENTARY INFORMATION: Under Contract No. 68–01–6919, Sycom, Inc. and Logic Unlimited, Inc. will assist OPP in the conversion of existing ADP systems to an ADABAS environment, and in the design and development of new ADP systems for use by OPP and its user community.

OPP has determined that access by Sycom, Inc. and Logic Unlimited, Inc. to information on all pesticide chemicals is necessary for the performance of the contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.301(h)(2), the contract with Sycom, Inc. and Logic Unlimited, Inc. prohibits use of the information for any purpose other than purpose(s) specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release. In addition, Sycom, Inc. and Logic Unlimited, Inc. are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor and subcontractor until the above requirements have been fully satisfied. Records for information provided to this contractor and subcontractor will be maintained by the Project Officer for this contract in the EPA Office of Pesticide Programs. All information supplied to Sycom, Inc. and Logic Unlimited, Inc. by EPA for use in connection with this contract will be returned to EPA when Sycom, Inc. and Logic Unlimited, Inc. have completed their work.

Dated: August 27, 1986.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 86–20370 Filed 9–9–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Northern Trust Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 2, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Northern Trust Corporation,* Chicago, Illinois; to acquire through its subsidiary, Nortrust of Arizona Holding Corporation, Phoenix, Arizona, 100 percent of the voting shares of Phoenix National Bank, Phoenix, Arizona.

In connection with this application Nortrust of Arizona Holding Corporation has applied to become a bank holding company by acquiring Phoenix National Bank.

B. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *WVB Bancorp,* Vincennes, Indiana; to become a bank holding company by acquiring at least 80 percent of the voting shares of Wabash Valley Bank of Vincennes, Vincennes, Indiana.

Board of Governors of the Federal Reserve System, September 4, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–20330 Filed 9–9–86; 8:45 am]

BILLING CODE 6210–01–M

Signet Banking Corporation, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have failed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 30, 1986.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Signet Banking Corporation,* Richmond, Virginia; to expand the geographic scope of its general insurance activities through its subsidiary, Bank of Virginia Insurance Agency, Ic., Richmond, Virginia, pursuant to section 4(c)(8)(6) of the Bank Holding Company Act.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice

President) 101 Market Street, San Francisco, California 94105:

1. *Frontier Group Incorporated,* Buena Park, California; to engage *de novo* through its subsidiary, FG Leasing Inc., Buena Park, California, in personal property leasing activities pursuant to § 225.25(b)(5) of the Board's Regulation Y. These activities will be conducted in California.

2. *Frontier Group Incorporated,* Buena Park, California; to engage *de novo* through its subsidiary, Frontier Services, Inc., Buena Park, California, in offering portfolio investment advice to other financial institutions pursuant to § 225.25(b)(4)(iii) of the Board's Regulation Y. These activities will be conducted in California.

Board of Governors of the Federal Reserve System, September 4, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-20329 Filed 9-9-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Injury Research Grant Review Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Injury Research Grant Review Committee

Dates: September 24-26, 1986

Place: Hotel Tower Place, 3340 Peachtree Road, N.E., Atlanta, Georgia 30026

Time: 8:30 a.m.-5:00 p.m.

Type of meeting: Open 8:30 a.m.-9:30 a.m., September 24, 1986. Closed 10:00 a.m., September 24—5:00 p.m., September 26, 1986

Contact Person: Mark L. Rosenberg, M.D., Executive Secretary of the Committee, Center for Environmental Health, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, GA 30333, telephones: FTS: 236-4542; Commercial: (404) 454-4542.

Purpose: This Committee is charged with advising the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, Centers for Disease Control, regarding the scientific merit and technical feasibility of grant applications relating to the support of injury control research and demonstration projects and injury prevention research centers.

Agenda: Agenda items for the meeting will include announcements, discussion of review procedures, future meeting dates, and review of grant applications. Beginning at 10:00 a.m., Wednesday, September 24, through 5:00 p.m., Friday, September 26, the Committee will conduct its review of grant applications. This portion of the meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(6), Title 5 U.S. Code, and the Determination of the Director, Centers for Disease Control, pursuant to Pub. L. 92-463.

Agenda items are subject to change as priorities dictate.

Dated: September 3, 1986.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 86-20238 Filed 9-9-86; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

Small Business Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is announcing a forthcoming small business exchange meeting to be chaired by Joseph J. Faline, Acting Director, Brooklyn District Office.

DATE: The meeting will be held at 1 p.m., Wednesday, October 1, 1986.

ADDRESS: The meeting will be held at the White Plains Public Library, 100 Martine Ave., White Plains, NY 10601-2599.

FOR FURTHER INFORMATION CONTACT: George R. Walden, Small Business Representative, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018-2195, 201-645-6466.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between small business and FDA officials. The meeting will provide a forum for the owners and managers of small businesses to express their concerns about FDA, encourage discussion about the effects of regulation and regulatory alternatives, convey knowledge about the agency's operations and procedures, and increase participation by small business persons in FDA's decisionmaking process.

Dated: September 3, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-20326 Filed 9-9-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-010-06-4212-11; I-8878]

Realty Action; Ada County, ID

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Notice of Realty Action, Classification for Recreation and Public Purposes Lease and Conveyance of Public Land in Ada County, Idaho.

SUMMARY: The below-described public land has been examined and found suitable for Recreation and Public Purposes lease and conveyance.

The following land is hereby classified as suitable for lease with an option to purchase under the provisions of the Recreation and Public Purposes Act of June 14, 1926, as amended.

T. 1 N., R. 2 E., Boise Meridian, Idaho

Sec. 1, lots 1 to 4, inclusive, SW¼NE¼, S½NW¼, S½.

Containing 602.5 acres.

DATES: The effective date of this classification will be 60 days from the date of **Federal Register** publication provided no protests or adverse comments are received as provided below.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the conditions of the lease/sale can be obtained by contacting Peter T. Cizmich, Realty Specialist, at (208) 334-1582.

SUPPLEMENTARY INFORMATION: The lease/conveyance will be subject to the following terms, conditions, covenants, and reservations:

Lease

1. Implementation in accordance with the approved plan of development.
2. Civil rights requirements.
3. Site specific stipulations.

Patent

1. Ditches and canals.
2. All minerals.
3. Special pricing clause.
4. Reversionary clause.
5. Buried telephone cable right-of-way to Mountain States Telephone and Telegraph (I-20976).

The classification is based on the following reasons:

1. The land is physically suitable for an outdoor recreational vehicle park development.

2. The land meets the guidelines for conveyances and leases as contained in 43 CFR 2741.5.

3. The land is valuable for public purposes as stated in 43 CFR 2430.4(a) and may properly be classified for lease and sale under the Recreation and Public Purposes Act as stated in 43 CFR 2430.4(c).

The previously described land is hereby segregated from appropriation under the public land laws, except the Recreation and Public Purposes Act, including the mining laws for a period of 18 months.

The Desert Land Entry Applications of Mary B. Bevan (I–4417) as to the W½SW¼, Donald Jesse Davis (I–4612) as to lots 1 to 4, inclusive, SW¼NE¼, S½NW¼, and Marvel K. Davis (I–4613) as to the E½SW¼, SE¼ will be rejected upon this classification becoming final.

For a period of 60 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

The following petition for classification is hereby approved.

Name of Petitioner: City of Boise, Idaho
Type of Petition: Recreation and Public Purposes Act of June 14, 1926, as amended

Dated: August 27, 1986.

J. David Brunner,

District Manager.

[FR Doc. 86–19982 Filed 9–9–86; 8:45 am]

BILLING CODE 4310-GG-M

[AZ-020-06-4212-11]

Realty Action, Arizona; Lease or Conveyance of Public Lands for Recreation and Public Purpose

The following lands, near the city of Flagstaff, Coconino County, Arizona have been found suitable for lease or conveyance to the state of Arizona for use as a state park and will be so classified under the Recreation and Public Purpose Act, as amended (43 U.S.C. 869 et seq.):

Gila and Salt River Meridian

T. 23 N., R. 10 E.,
Section 36:
Containing 640.00 acres, more or less.

These lands are not needed for federal purposes. Through the environmental assessment process it has been determined that the lease or conveyance of these lands would not affect any BLM programs and would be in the public interest.

The lease or conveyance, would be subject to the following conditions:

1. Provisions of the Recreation and Public Purpose Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

Upon publication of this Notice in the **Federal Register**, these lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purpose Act. For a period of 45 days from the date of publication of this Notice, interested persons may submit comments regarding the lease/conveyance or classification of these lands to the District Manager, Phoenix District, 2015 W. Deer Valley Road, Phoenix, Arizona 85027. Any objection will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior. Further information concerning the realty action can be obtained from the Phoenix Resource Area, Phoenix District (606–863–4464).

Dated: September 4, 1986.

Henri R. Bisson,

Acting District Manager.

[FR Doc. 86–20336 Filed 9–9–86; 8:45 am]

BILLING CODE 4310-32-M

[WY 920 06 4133–14]

Detailed Statement of Sodium Lease Sale; Sodium Lease Applications W–98419, W–98420, W–98421

At 2:00 p.m., on September 30, 1986, an authorized officer of the Bureau of Land Management, Wyoming State Office, will offer the following described lands for competitive lease by sealed bid to the qualified bidder submitting the highest cash amount per acre or fraction thereof in accordance with the provisions of the Mineral Lands Leasing Act of 1920, as amended (30 UCS.C. 181 et seq.). No bid will be considered which is less than $200.00 per acre and bids should be formulated on the basis of 1,596 acres for Parcel 1, 1,933 acres for Parcel 2, and 1,666 acres for Parcel 3. The minimum bid is not intended to represent fair market value.

Sodium Offered

The sodium resource to be offered consists of all the recoverable sodium in the following described lands located in Sweetwater County, Wyoming:

Parcel 1

T. 21 N., R. 108 W., 6th P.M., WY
Sec. 20: All;
Sec. 30: Lots 5–8, E½, E½W½;
T. 20 N., R. 109 W., 6th P.M., WY
Sec. 2: Lots 5–12 inclusive.

Containing 1,595.34 acres

Parcel 2

T. 17 N., R. 109 W., 6th P.M., WY
Sec. 6: Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
T. 18 N., R. 109 W., 6th P.M., WY
Sec. 32: All;
T. 17 N., R. 110 W., 6th P.M., WY
Sec. 2: Lots 1–4, S½N½, S½.

Containing 1,932.91 acres

Parcel 3

T. 17 N., R. 109 W., 6th P.M., WY
Sec. 2: Lot 4, S½NW¼, SW¼,S½SE¼;
Sec. 4: Lots 1–4, S½N½, S½;
T. 18 N., R. 109 W., 6th P.M., WY
Sec. 34: All.

Containing 1,665.58 acres

The estimated total sodium recoverable reserves for Parcel 1: 69 million tones with an estimated quality average of 89.9% in two sodium beds averaging between 8 and 18 feet in thickness; for Parcel 2: 133.18 million tons with an estimated quality average of 86% in five sodium beds averaging between 8 and 12 feet in thickness; and, for Parcel 3: 136.13 million tons with an estimated quality average of 86% in four sodium beds averaging beween 8 and 13 feet in thickness.

Rental and Royalty

Leases issued as a result of this offering will provide for payment of annual rentals for each acre or fraction thereof covered thereby as follows: 25 cents for the first calendar year or fraction thereof; 50 cents for the second, third, fourth and firth calendar years, respectively; and, one dollar for the sixth and each and every calendar year thereafter during the continuance of the leases, such rental for any year to be credited against the first royalties as they accrue under the lease during the year for which the rental was paid, and a royalty of 5 percent of the gross value of the output of sodium deposits and related productions at the point of shipment to market.

Advance Royalty

Each lease shall require a minimum annual production or the payment of minimum royalty in lieu of production for any particular lease year, beginning with the sixth lease year. Minimum royalty payments shall be credited to production royalties for that year only. The rate of the minimum royalty shall be $3.00 per acre or fraction thereof per year, payable in advance.

When and Where to Submit Bids

Sealed bids must be submitted on or before 1:00 p.m., September 30, 1986, to the Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001. Sealed bids received after the hour specified will not be considered. The envelope used for the sealed bid should be plainly marked that it is not to be opened before the hour and date of the sale and should show that the bid is for Sodium Lease Application W–98419, W–98420 *or* W–98421. Sealed bids may not be modified or withdrawn unless the modification or withdrawal is received before 1:00 p.m., September 30, 1986, at the above address.

Sealed Bidding Requirements

No special form of sealed bid is required. However, all bids must show that amount bid per acre, the total amount bid, the amount submitted with the bid, and must be signed by the bidder or a person authorized to act for the bidder. Each sealed bid must be accompanied by the following:

1. A bid deposit of one-fifth of the amount bid in cash, cashier's check, certified check, bank draft, money order, or personal check made payable to the order of the Bureau of Land Management;

2. A statement over the bidder's own signature with respect to citizenship and interests held, similar to that prescribed in 43 CFR Part 3502 and a statement as to the sole party in interest as specified in 43 CFR 3502.3. A lease will not be issued to a bidder who holds or controls more than 5,120 acres of Federal sodium leases in any one state;

3. A completed and signed Form 1140–6, Independent Price Determination Certificate, to the effect that the bid was arrived at by the bidder independently and was tendered without collusion with any other bidder.

Bidders are warned against violation of section 1860, Title 18, U.S.C. prohibiting unlawful combination or intimidation of bidders.

Bid Opening

At 2:00 p.m., September 30, 1986, in the third floor conference room, 2515 Warren Avenue, Cheyenne, Wyoming, the authorized officer will open and read all sealed bids. If identical sealed bids are received for any one tract, the tying high bidders will be asked to submit follow-up sealed bids until a high bid is recieved. An apparent high bidder submitting a tie-breaking sealed bid shall tender, at the close of the sale, any additional amount necessary to bring the amount submitted with the original bid up to one-fifth of the final bid. The highest bid will be announced and the successful high bidder will be formally notified in writing after the State Director has made his determination. The Department of the Interior reserves the right to offer the lease to the next highest qualified bidder if the successful bidder fails to obtain the lease for any reason. If any bid is rejected, the deposit made on the day of the sale will be returned.

Lease Issuance Requirements

Prior to the issuance of a lease, the successful bidder will be required to furnish the following items:

1. The proportionate cost of advertising the sales notice in a local newspaper;

2. The balance of the bonus bid;

3. Four executed copies of the lease form;

4. First year's rental in the amount of: $399.00 for Parcel 1; $483.25 for Parcel 2; $416.50 for Parcel 3;

5. A lease bond in the amount of $5,000. The lease bond will be reviewed when production begins and will be adjusted as necessary.

Lease Form and Stipulations

The attention of all prospective bidders is directed to the attached copies of the proposed sodium leases and stipulations.

Hillary A. Oden,

State Director.

[FR Doc. 86–20316 Filed 9–9–86; 8:45 am]

BILLING CODE 4130-22-M

[NV–030–06–4212–11; N–43262]

Mineral County, NV; Realty Action; Lease or Sale of Public Land for Recreation and Public Purposes, Mineral County, NV

The following described public land has been identified as suitable and will be classified for lease or sale under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, et seq.):

Mount Diablo Meridian, Nevada

T. 8 N., R. 34 E.,
sec. 34, NW¼NW¼SW¼.

A 10-year lease for the subject 10 acres of public land to be used as a sanitary landfill will be offered to Mineral County. The land is not required for federal purposes. Disposal is consistent with Bureau planning for this area and would be in the public interest.

The lease and/or patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

2. All mineral deposits in the said land, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for transmission line purposes granted to Sierra Pacific Power Company by Permit No. CC–013875.

Detailed information concerning this action is available for review at the Bureau of Land Management Carson City District Office.

Upon pubication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws and the general mining laws, but not the Recreation and Public Purposes Act and the mineral leasing laws.

For a period of 45 days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89701. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this notice will become effective 60 days from the date of publication in the **Federal Register**.

Dated: August 27, 1986.

Norman L. Murray,

District Manager.

[FR Doc. 86–20318 Filed 9–9–86; 8:45 am]

BILLING CODE 4310-HC-M

[WY 920 06 4133–14; W–98419, W–98420, W–98421]

Wyoming; Sodium Lease Offerings By Sealed Bid

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001. Notice is hereby given that certain sodium

resources in the lands hereinafter described, located in Sweetwater County, Wyoming, will be offered for competitive lease by sealed bid. These offerings are being made as a result of expressions of interest filed in accordance with the provisions of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.). The sale will be held at 2:00 p.m., September 30, 1986, in the third floor conference room, Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming.

The parcels will be leased to the qualified bidder of the highest cash amount provided that the high bid meets the fair market value determination of the parcels. The minimum bid is $200.00 per acre. No bid less than $200.00 per acre will be considered. The minimum bid is not intended to represent fair market values. The fair market value will be determined by the Authorized Officer after the sale. Sealed bids must be submitted on or before 1:00 p.m., September 30, 1986, to the Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001. Bids received after that time will not be considered.

Sodium Offered:

Parcel 1

T. 21 N., R. 108 W., 6th P.M., WY
Sec. 20: All;
Sec. 30: Lots 5–8, E½, E½W½;
T. 20 N., R. 109 W., 6th P.M., WY
Sec. 2: Lots 5–12 inclusive.
Containing 1,595.34 acres

The 1,595.34 acre parcel contains an estimated 69 million tons of recoverable sodium with an estimated quality average of 89.9%.

Parcel 2

T. 17 N., R. 109 W., 6th P.M., WY
Sec. 6: Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
T. 18 N., R. 109 W., 6th P.M., WY
Sec. 32: All;
T. 17 N., R. 110 W., 6th P.M., WY
Sec. 2: Lots 1–4, S½N½, S½;Q02
Containing 1,932.91 acres

The 1,932.91 acre parcel contains an estimated 133.18 million tons of recoverable sodium with an estimated quality average of 86%.

Parcel 3

T. 17 N., R. 109 W., 6th P.M., WY
Sec. 2: Lot 4, S½NW¼, SW¼, S½SE¼;
Sec. 4: Lots 1–4, S½N½, S½;
T. 18 N., R. 109 W., 6th P.M., WY
Sec. 35: All.
Containing 1,665.58 acres

The 1,665.58 acre parcel contains an estimated 136.13 million tons of recoverable sodium with an estimated quality average of 86%.

Rental and Royalty

The leases issued as a result of this offering will provide for payment of annual rentals for each acre or fraction thereof covered thereby as follows: 25 cents for the first calendar year or fraction thereof; 50 cents for the second, third, fourth and fifth calendar years, respectively; and, one dollar for the sixth and each and every calendar year thereafter during the continuance of the leases, such rental for any year to be credited against the first royalties as they accrue under the lease during the year for which the rental was paid, and a royalty of 5 percent of the gross value of the output of sodium deposits and related productions at the point of shipment to market.

Notice of Availability

Bidding instructions for the offered tracts are included in the Detailed Statement of Lease Sale. Copies of the statement and of the proposed sodium leases are available at the Wyoming State Office. Case file documents are also available at that office for public inspection. Sodium resource information pertaining to these tracts is also available for public inspection in the Rock Springs District Office, Highway 191 North, Rock Springs, Wyoming 82901.

Hillary A. Oden,

State Director.

[FR Doc. 86–20317 Filed 9–9–86; 8:45 am]

BILLING CODE 4130-22-M

National Park Serice

Intention To Negotiate Concession Permit; Arizona Department of Economic Security

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with the State of Arizona, Department of Economic Security, authorizing it to continue to provide gift shop facilities and services for the public at Glen Canyon National Recreation Area for a period of five (5) years from January 1, 1986 through December 31, 1990.

This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1985, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given perference in the renewal of the permit and in the negotiation of a new permit as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Rocky Mountain Region, Denver, Colorado, for information as to the requirements of the proposed permit.

Dated: December 23, 1985.

Jack W. Neckels,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 86–20386 Filed 9–9–86; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget For Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone 395–7313.

Title: Bond and Issuance Requirements for Surface Coal Mining and Reclamation Operations under Regulatory Programs
30 CFR Part 800

Abstract: This information is needed to implement section 509 and 519 of Pub. L. 95–87. The information is used in determining whether bonding is being properly regulated and to avoid a break

in the chain of liability which flows from the time the permit application is approved until completion of the permit reclamation.

Bureau Form Number: None
Frequency: On Occasion
Description of Respondents: Coal Mine Operators
Annual Responses: 5,950
Annual Burden Hours: 27,779

Bureau Clearance Office: Darlene Grose Boyd 343–5447.

Dated: August 22, 1986.

Donald Hinderliter,

Acting Assistant Director, Budget and Administration.

[FR Doc. 86–20378 Filed 9–9–86; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–270 (Final) and 731–TA–311 through 317 (Final)]

Certain Brass Sheet and Strip From Brazil, Canada, France, Italy, The Republic of Korea, Sweden, and West Germany

AGENCY: United States International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations and with countervailing duty investigation No. 701–TA–270 (Final).

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigations Nos. 731–TA–311 through 317 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil (investigation No. 731–TA–311 (Final)); Canada (investigation No. 731–TA–312 (Final)); France (investigation No. 731–TA–313 (Final)); Italy (investigation No. 731–TA–314 (Final)); the Republic of Korea (investigation No. 731–TA–315 (Final)); Sweden (investigation No. 731–TA–316 (Final)); and West Germany (investigation No. 731–TA–317 (Final)); of brass sheet and strip, other than leaded brass and tin brass sheet and strip,[1] not cut, pressed, or stamped to nonrectangular shape, provided for in item 612.39 of the Tariff Schedule of the United States, which have been found by the Department of Commerce, in preliminary determinations, to be sold, or likely to be sold, in the United States at less than fair value (LTFV). The Commission also gives notice of the scheduling of a hearing in connection with these investigations and with countervailing duty investigation No. 701–TA–270 (Final), Certain Brass Sheet and Strip from France, which the Commission instituted on June 9, 1986 (51 FR 24237, July 2, 1986). The schedules for investigation No. 701–TA–270 (Final) and for the subject antidumping investigations will be identical, pursuant to Commerce's extension of the countervailing duty investigation (51 FR 25379, July 14, 1986). Commerce will make its final countervailing duty and antidumping determinations on or before November 3, 1986. The Commission will make its final injury determinations within 45 days after receipt of Commerce final determinations (see sections 705(a) and 705(b) and sections 735(a) and 735(b) of the Act (19 U.S.C. 1671d(a) and 167d(b) and 19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedures, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: August 22, 1986.

FOR FURTHER INFORMATION CONTACT: George Deyman (202–523–0481), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002. Information may also be obtained via electronic mail by accessing the Office of Investigations' remote bulletin board system for personal computers at 202–523–0103.

SUPPLEMENTARY INFORMATION:

Background

The subject antidumping investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that imports of certain brass sheet and strip from Brazil, Canada, France, Italy, the Republic of Korea, Sweden, and West Germany are being, or are likely to be, sold in the United States at LTFV. The Commission's schedule for these investigations and for investigation No. 701–TA–270 (Final) has been made in accordance with Commerce's notice of extension of its final countervailing duty determination. The investigations were requested in a petition filed on March 10, 1986, by counsel on behalf of American Brass, Buffalo, NY; Bridgeport Brass Corp., Indianapolis, IN; Chase Brass & Copper Co., Solon, OH; Hussey Copper Ltd., Leetsdale, PA; The Miller Co., Meriden, CT; Olin Corp. (Brass Group), East Alton, IL; and Revere Copper Products, Inc., Rome, NY. In response to that petition the Commission conducted preliminary investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise from Brazil, Canada, France, Italy, the Republic of Korea, Sweden, and West Germany (51 FR 16235, May 1, 1986).

Participation in the investigations

Persons wishing to participate in the antidumping investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry. (Persons wishing to participate in investigation No. 701–TA–270 (Final) should have already filed an entry of appearance, pursuant to the Commission's notice of institution of this investigation in the **Federal Register** of July 2, 1986.)

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the subject antidumping investigations upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service

[1] The chemical compositions of the products under investigation are currently defined in the Copper Development Association (C.D.A.) 200 series or the Unified Numbering System (U.N.S.) C20000 series. Products whose chemical compositions are defined by other C.D.A. or U.N.S. series are not covered by these investigations.

must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report

A public version of the prehearing staff report for the subject antidumping investigations and for investigation No. 701–TA–270 (Final) will be placed in the public record on October 27, 1986, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with the subject antidumping investigations and for investigation No. 701–TA–270 (Final) beginning at 9:30 a.m. on November 13, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on October 31, 1986. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on November 6, 1986, in room 117 of the U.S. International Trade Commission Building. The deadline for filing perhearing briefs is November 6, 1986.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on November 20, 1986. In addition, any person who has not entered an appearance as a party to these investigations may submit a written statement of information pertinent to the subject of the investigations on or before November 20, 1986.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submission except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: September 5, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–20399 Filed 9–9–86; 8:40 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–347 and 348 (Preliminary)]

Certain Malleable Cast-Iron Pipe Fittings From Japan and Thailand

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations Nos. 731–TA–347 and 348 (Preliminary) under section 733(a) or the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan and Thailand of certain nonalloy, malleable cast-iron pipe fittings,[1] whether or not advanced in condition by operations or processes (such as threading) subsequent to the casting process, provided for in items 610.70 and 610.74 of the Tarff Schedules of the United States, which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by October 14, 1986.

For further infomation concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: August 29, 1986.

FOR FURTHER INFORMATION CONTACT: Ilene Hersher (202–523–4616), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002. Information may also be obtained via electronic mail by accessing the Office of Investigations' remote bulletin board system for personal computers at 202–523–0103.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to petitions filed on August 29, 1986 by the Cast Iron Pipe Fittings Committee.[2]

Participation in the Investigations

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR § 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations

[1] The malleable cast-iron pipe fittings covered by these investigations are those with standard pressure ratings of 150 pounds per square inch (psi) or heavy-duty pressure ratings of 300 psi. Groove-lock fittings are not included.

[2] The 5 member producers of this committee are Stanley G. Flagg & Co., Inc., ITT–Grinnell Corp., Stockham Valves & Fittings Co., U-Brand Corp., and Ward Foundry Division of Clevepak Corp.

upon the expiration of the period for filing enteries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on September 19, 1986 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Ilene Hersher (202–523–4616) not later than September 16, 1986 to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written Submissions

Any person may submit to the Commission on or before September 23, 1986 a written statement of information pertinent to the subject of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submission except for confidential business data will be availabe for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment if desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to §207.12 of the Commission's rules (19 CFR 207.12)

By order of the Commission.

Issued: September 4, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–20400 Filed 9–9–86; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701–TA–280 (Preliminary) and 731–TA–337 (Preliminary)]

Certain Paint Filters and Strainers From Brazil

Determination

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured [2] by reason of imports from Brazil of disposable paint filters and strainers of paper, containing cotton gauze, provided for in item 256.90 of the Tariff Schedules of the United States (TSUS), or of cotton gauze, containing paper, provided for in TSUS Item 386.53, or of nylon mesh, containing paper, provided for in TSUS item 389.62, which are alleged to be subsidized by the Government of Brazil.[3] The Commission also determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured [2] by reason of imports from Brazil of these disposable paint filters and strainers, provided for in TSUS items 256.90, 386.53, and 389.62, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On July 15, 1986, a petition was filed with the Commission and the Department of Commerce by Louis M. Gerson Co., Inc., Middleboro, MA, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized and LTFV imports of certain paint filters and strainers from Brazil. Accordingly, efective July 15, 1986, the Commission instituted countervailing duty investigation No. 701–TA–280 (Preliminary) and preliminary antidumping investigation No. 731–TA–337 (Preliminary).

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern determines that there is a reasonable indication that an industry in the United States is threatened with material injury.

[3] The Department of Commerce notified the Commission on August 21, 1986, that it was modifying the scope of investigation to reflect nylon mesh strainers provided for in TSUS item 389.62.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 23, 1986 (51 FR 26476). The conference was held in Washington, DC, on August 6, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on August 29, 1986. The views of the Commission are contained in USITC Publication 1890 (September 1986), entitled "Certain Paint Filters and Strainers from Brazil: Determinations of the Commission in Investigations Nos. 701–TA–280 (Preliminary) and 731–TA–337 (Preliminary) Under the Tariff Act of 1930, Together with the Information Obtained in the Investigations."

By order of the Commission.

Issued: August 29, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–20402 Filed 9–9–86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–254]

Certain Small Aluminum Flashlights and Components Thereof; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 30, 1986, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Mag Instrument, Inc., 1635 South Sacramento Avenue, Ontario, California 91761. The complaint alleges unfair methods of competition and unfair acts in the importation into the United States of certain small aluminum flashlights and components thereof, and in their sale, by reason of alleged (1) direct and contributory infringement of all four claims of U.S. Letters Patent 4,577,363; and (2) misappropriation of trade dress. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Steven H. Schwartz, Esq., or Stephen L. Sulzer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–523–4877 or 202–523–0419, respectively.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on August 27, 1986, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation into the United States of certain small aluminum flashlights and components thereof, or in their sale, by reason of alleged (1) direct and contributory infringement of all four claims of U.S. Letters Patent 4,577,263; and (2) common law trademark infringement, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Mag Instrument, INc., 1635 South Sacramento Avenue, Ontario, California 91761.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Farstar Industrial Company, Ltd., P.O. Box 81–505, Taipei, Taiwan
Kassnar Imports, Inc., 5480 Linglestown Road, Harrisburg, Pennsylvania 17112
Normark, Inc., P.O. Box 800408, Dallas, Texas 75380
Big Time, Inc., 5 Terminal Road, West Hempstead, New York 11552
Brinkmann International, Ltd., Room 706 Houston Centre, 63 Mody Road, Tsimshatsui East, Kowloon, Hong Kong
J. Baxter Brinkmann, International Corporation, 4215 McEwen Road, Dallas, Texas 75234
The Brinkmann Corporation, 4215 McEwen Road, Dallas, Texas 75234

(c) Steven H. Schwartz, Esq., and Stephen L. Sulzer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, DC 20436, shall be the Commission investigative attorneys, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules (19 CFR 201.16(d) and 201.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 am to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, DC 20436, telephone 202–523–0471. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Issued: September 2, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–20404 Filed 9–9–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–271 (Final) and 731–TA–318 (Final)]

Oil Country Tubular Goods From Israel

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation and with countervailing duty investigation No. 701–TA–271 (Final).

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–318 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Israel of oil country tubular goods,[1] provided for items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). The Commission also gives notice of the scheduling of a hearing in connection with this investigation and with countervailing duty investigation No. 701–TA–271 (Final), Oil Country Tubular Goods from Israel, which the Commission instituted on June 11, 1986 (51 FR 24947, July 9, 1986). The schedules for investigation No. 701–TA–271 (Final) and for the subject antidumping investigation will be identical, pursuant to Commerce's extension of the countervailing duty investigation (51 FR 25382, July 14, 1986). Commerce will make its final countervailing duty and antidumping determinations on or before November 3, 1986. The Commission will make its final injury determinations within 45 days after receipt of Commerce's final determinations (see sections 705(a) and 705(b) and sections 735(a) and 735(b) of the Act (19 U.S.C. 1671d)(a) and 1671d(b) and 19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: August 25, 1986.

FOR FURTHER INFORMATION CONTACT: Rebecca Woodings (202–523–0282), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

[1] For purposes of this investigation, "oil country tubular goods" includes drill pipe, casing, and tubing for drilling oil and gas wells, of carbon or alloy steel, whether such articles are welded or seamless, whether finished or unfinished, and whether or not meeting American Petroleum Institute (API) specification.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background

The subject antidumping investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of oil country tubular goods from Israel are being sold in the United States at LTFV within the meaning of section 731 of the act (19 U.S.C. 1673). The Commission's schedule for this investigation and for investigation No. 701–TA–271 (Final) has been made in accordance with Commerce's notice of extension of its final countervailing duty determination. The investigations were requested in a petition filed on March 12, 1986, by the Lone Star Steel Company, Dallas, TX and CF&I Steel Corporation, Pueblo, CO. In response to that petition the Commission conducted preliminary investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (51 FR 16907, May 7, 1986).

Participation in the investigation

Persons wishing to participate in the antidumping investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry. (Persons wishing to participate in investigation No. 701–TA–271 (Final) should have already filed an entry of appearance, pursuant to the Commission's notice of institution of this investigation in the **Federal Register** of July 9, 1986.)

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the subject antidumping investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report

A public version of the prehearing staff report for the subject antidumping investigation and for investigation No. 701–TA–271 (Final) will be placed in the public record on October 27, 1986, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with the subject antidumping investigation and for investigation 701–TA–271 (Final) beginning at 9:30 a.m. on November 12, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on October 31, 1986. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on November 5, 1986, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is November 6, 1986.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules CFR 201.6(b)(2))).

Written submissions.—All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with section 207.22 of the Commission's rules [19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24[19 CFR 207.24) and must be submitted not later than the close of business on November 19, 1986. In addition, any person who has not entered an appearance as a party to these investigations may submit a written statement of information pertinent to the subject of the investigations on or before November 19, 1986.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: September 5, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–20401 Filed 9–9–86; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 721–TA–338 through 340 (Preliminary)]

Urea From the German Democratic Republic, Romania, and the Union of Soviet Socialist Republics

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from the German Democratic Republic (East Germany), Romania, and the Union of Soviet Socialist Republics (U.S.S.R.) of urea, provided for in item 480.30 [3] of the Tariff

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern did not participate in these investigations.

[3] The petition referred only to solid urea in Tariff Schedules of the United States (TSUS) item 480.30. When Commerce instituted its investigations effective Aug. 12, 1986, it also included Tariff Schedules of the United States Annotated (TSUSA) items 480.3000, 480.6550, and 480.8030 within the

Continued

Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On July 16, 1986, a petition was filed with the Commission and the Department of Commerce by the Ad Hoc Committee of Domestic Nitrogen Producers,[4] alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of solid urea from East Germany, Romania, and the U.S.S.R. Accordingly, effective July 16, 1986, the Commission instituted preliminary antidumping investigations Nos. 731–TA–338 (Preliminary) (East Germany), 731–TA–339 (Preliminary) (Romania), and 731–TA–340 (Preliminary) (U.S.S.R.).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 23, 1986 (51 FR 26477). The conference was held in Washington, DC, on August 8, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on September 2, 1986. The views of the Commission are contained in USITC Publication 1891 (September 1986), entitled "Urea from the German Democratic Republic, Romania, and the Union of Soviet Socialist Republics: Determinations of the Commission in Investigations Nos. 731–TA–338 through 340 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By order of the Commission.

Issued: September 2, 1986.

Kennth R. Mason,

Secretary.

[FR Doc. 86–20403 Filed 9–9–86; 8:45 am]

BILLING CODE 7020–02–M

"scope" of its investigations (51 FR 28854). Commerce stated that merchandise classified in TSUSA items 480.6550 and 480.8030 would be subject to its investigations only if the predominant component was urea. Commerce, in a letter dated Aug. 26, 1986, informed the Commission that the scope of Commerce's investigations was being narrowed to include only solid urea in TSUS item 480.30.

[4] The Ad Hoc Committee of Domestic Nitrogen Producers is composed of the following: Agrico Chemical Co., Tulsa, OK; American Cyanamid Co., Wayne, NJ; CF Industries, Long Grove, IL; Farmland Industries, Inc., Kansas City, MO; First Mississippi Corp., Jackson, MS; Mississippi Chemical Corp., Yazoo City, MS; Terra Chemicals International, Sioux City, IA; and W.R. Grace & Co., New York, NY.

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30889]

Dakota, Minnesota and Eastern Railroad Corp.; Acquisition and Operation Exemption; Chicago and North Western Transportation

Dakota, Minnesota and Eastern Railroad Corporation (DME) has filed a notice of exemption to acquire and operate portions of the Chicago and North Western Transportation Company's (CNW's) lines between Rapid City, SD, and Winona, MN, including branch lines to Onida and Watertown, SD, and Comfrey, Hartland, and Plainview, MN; from Redfield to Mansfield, SD; and from Aberdeen, SD, to Oakes, ND. The transaction covered by the notice of exemption includes incidental trackage rights, to be granted or assigned by CNW at Rapid City, SD, and at Mankato, Owatonna, and Winona, MN; between Wolsey and Aberdeen, SD; and between Hartland, MN, and Mason City, IA. A total of 965.7 route-miles are being acquired by DME, including both the lines being purchased and the trackage rights being granted or assigned. CNW will retain limited easements in the lines between Tracy and Mankato, Mankato and Waseca, Waseca and Owatonna, and Waseca and Hartland, MN, but CNW will not be entitled to make any use of those easements for any purpose, including common carrier service, except on the occurrence of certain conditions subsequent, and subject to any required regulatory approval or exemption. Any comments must be filed with the Commission and served on Betty Jo Christian, Steptoe & Johnson, 1330 Connecticut Avenue, NW., Washington, DC 20036–2661.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not delay the effective date of the notice. Petitions to stay will not automatically stay the transaction.

Decided: August 27, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86–20334 Filed 9–9–86; 8:45 am]

BILLING CODE 7035–01M

[Finance Docket No. 30886]

Railtex, Inc.; Continuance in Control; Exemption; Austin Railroad Co., Inc. and the San Diego and Imperial Valley Railroad Co.

Railtex, Inc. (Railtex) has filed a notice of exemption to continue in control of the Austin Railroad Company, Inc. (AR), and the San Diego & Imperial Valley Railroad Company (SD&IV).[1]

Railtex is the sole stockholder of both AR and SD&IV. SD&IV is a common carrier operating over about 153 miles of track in southern California and Mexico. AR is a non-carrier that intends to operate over about 163 miles of rail line in Texas under an operating contract with the City of Austin, TX, which has agreed to purchase the line from the Southern Pacific Transportation Company.[2] Upon commencing operations, AR will become a carrier and Railtex will then control two carriers.

AR and SD&IV do not connect. They operate in different markets and the distance between them is over 1,350 miles. Railtex states that the transaction is not a part of a series of anticipated transactions that would lead to a connection between AR and SD&IV. The continuance in control of these nonconnecting carriers is exempt from 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(2).

Railroad employees affected by the transaction will be protected by the conditions in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at

[1] By petition filed June 6, 1986, in Finance Docket No. 30848, Railtex sought an exemption under 49 U.S.C. 10505 for this continuance in control, but withdraw its petition and, instead, filed this notice of exemption pursuant to the expanded class exemption in 49 CFR 1180.2(d)(2). *See* Ex Parte No. 282 (Sub-No. 1), *Rail Consolidation Procedures—Continuance in Control of a Nonconnecting Carrier*, ——— *I.C.C. 2d* ———, *served July 7, 1986.*

[2] AR and the City of Austin have each filed a notice of exemption in Finance Docket No. 30861, under 49 CFR 1150.31, for the City of Austin to purchase, and for AR to operate, the line. The City of Austin simultaneously filed a motion to dismiss its notice for want of jurisdiction by this Commission.

any time. The filing of a petition to revoke will not stay the transaction.

Decided: September 4, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Kathleen M. King,

Acting Secretary.

[FR Doc. 86-20342 Filed 9-9-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30703]

Soo Line Railroad Co.; Joint Use of Lines; Chesapeake and Ohio Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, and 49 CFR 1180.2(d)(7), the Commission exempts Soo Line Railroad Company (Soo) and the Chesapeake and Ohio Railway Company (C&O) from the requirements of 49 U.S.C. 11343 in connection with Soo's trackage rights over joint use of C&O lines between Chicago, IL and Detroit, MI, a distance of 340 miles, subject to standard employee protective conditions. This exemption replaces the exemption published under 49 CFR 1180.2(d)(5), which was effective on August 7, 1985. The exemption granted here will be made retroactive to that effective date.

DATES: This action is effective as of August 7, 1985. Petitions for reconsideration are due September 30, 1986.

FOR ADDITIONAL INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area), or toll free (800) 424-5403.

Decided: August 22, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners, Sterrett, Andre, and Lamboley. Vice Chairman Simmons and Commissioner Lamboley dissented in part with separate expressions.

Kathleen M. King,

Acting Secretary.

[FR Doc. 86-20341 Filed 9-9-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket Nos. AB-33 (Sub-No. 41X and AB-37 (Sub-No. 21X]

Union Pacific Railroad Co.; Exemption; Discontinuance of Service in Grays Harbor County, WA; and Oregon-Washington Railroad and Navigation Co.; Exemption; Abandonment in Grays Harbor County, WA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903, *et seq.*, the discontinuance of service by the Union Pacific Railroad Company over, and the abandonment by the Oregon-Washington Railroad & Navigation Company of a 2.41-mile segment of the Grays Harbor branch line in Grays Harbor County, WA, subject to standard labor protection.

DATES: This exemption will be effective on October 10, 1986. Petitions for stay must be filed by September 22, 1986, and petitions for reconsideration must be filed by September 30, 1986.

ADDRESSES: Send pleadings referring to Docket No. AB-33 [Sub-No. 41X) and AB-37 (Sub-No. 21Z) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioners' Representatives, Joseph D. Anthofer, Jeanna L. Regier, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275-7650.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: September 3, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissoners Sterrett, Andre, and Lamboley.

Kathleen M. King,

Acting Secretary.

[FR Doc. 86-20340 Filed 9-9-86; 8:45 am]

BILLING CODE 7035-02-M

Release of Waybill Data for Use by the Association of American Railroads

The Commission has received a request from the Intermodal Policy Division of the Association of American Railroads (AAR) to use the 1985 ICC Waybill Sample in its economic and policy research and analysis work. The waybill data will be used exclusively as input to the AAR Intermodal Competition Model. This model is the chief means by which the AAR and rail industry determine the impact on rail traffic and revenue of changes in rail, truck, or barge costs. It aggregates all rail shipments as if they were part of one large nationwide or State railroad. The waybill data actually required are the six and seven digit SPLC and STCC codes, car types, and route miles.

The computer output of AAR's model runs are always reported in a highly aggregated form so no individual railroad, shipper, or car owner information is revealed. Moreover, these aggregated results are not reported outside of AAR.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of propritary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party (48 FR 40328, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the date of this notice. They should also include all grounds for objections to the full or partial disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: James A. Nash, (202–275–6864).

Kathleen M. King,

Acting Secretary.

[FR Doc. 86–20338 Filed 9–9–86; 8:45 am]

BILLING CODE 7035–01–M

Release of Waybill Data For Use in Analyzing the Feasibility of Acquiring Certain Lines and Trackage Rights of Conrail

The Commission has received a request from DNS Associates, Inc. (DNS) for permission to use the 1985 ICC Waybill Sample in connection with an analysis pertaining to the competitive impacts and viability of certain lines and trackage rights that the Pittsburgh and Lake Erie Railroad (P&LE) wishes to acquire as part of the anticipated sale of Conrail by public offering. DNS states that both the Ohio Department of Transportation and the Indiana Department of Transportation have requested that P&LE conduct such an analysis. DNS indicates that such an analysis would also be used in response to anticipated questions from the House Energy and Commerce Committee.

Two consultants are involved: (1) DNS and (2) P&LE's consultant, Mr. Donald Mattzie of the Carnegie Mellon Institute, who would be responsible for performing the actual analysis. P&LE has asked DNS to provide Mr. Mattzie with traffic data to and from certain stations in the northeastern United States. Accordingly, DNS seeks permission to access the Commission's full 1985 Waybill Sample to extract pertinent data elements which DNS will then provide to Dr. Mattzie in order to conduct the P&LE analysis. Specifically, the needed data elements are: (1) origin railroad, (2) origin freight station (Freight Station Accounting Code (FSAC), (3) origin Standard Point Location Code (SPLC), (4) destination railroad, (5) destination freight station (FSAC), (6) destination SPLC, (7) 5-digit Standard Transportation Commodity Code, (8) number of cars (factored), (9) tons (factored), (10) revenue (factored).

DNS states that P&LE would not obtain access to any confidential waybill data and that any traffic analyzed would not be publicly disclosed in other than summary form. Also, we should emphasize that if this request is permitted, both DNS and Dr. Mattzie would be required to sign agreements containing strict requirements designed to protect the data's confidentiality.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party (48 FR 40328, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: Elaine Kaiser, (202) 275–7003.

Kathleen M. King,

Acting Secretary.

[FR Doc. 86–20339 Filed 9–9–86; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30835]

G. Richard Abernathy; Exemption for Continuance of Control of Railroad Companies

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission under 49 U.S.C. 10505, exempts from the requirements of 49 U.S.C. 11343, the continuance in control by G. Richard Abernathy of Sequatchie Valley Railroad Co., Inc., Columbia and Silver Creek Railroad Company, Inc., and Walking Horse and Eastern Railroad Company, Inc.

DATES: The decision is effective on September 22, 1986. Petitions to reopen must be filed by September 30, 1986.

ADDRESSES: Send pleadings referring to Finance Docket No. 30835 to:

(1) Office of the Secretary; Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners' representative: Eric D. Gerst, Philadelphia Boruse, Suite 900, 21 South 5th Street, Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: September 3, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Kathleen King,

Acting Secretary.

[FR Doc. 86–20337 Filed 9–9–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Notification; Industry-University Center for Glass Research

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98–462 ("the Act"), written notice has been filed by the Industry-University Center for Glass Research at the New York State College of Ceramics, Alfred University, Alfred, New York (the "Center") disclosing (1) the identities of the parties to the Center and (2) the nature and objectives of the Center. The notice was filed simultaneously with the Attorney General and the Federal Trade Commission.

The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to single damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Center and its general areas of planned activity are given below.

The Center is a joint venture comprised of the following parties:

PPG Industries Inc.

Ford Motor Company

Manville Building Materials Corporation
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc.
E.I. DuPont DeNemours, Inc.
AFG Industries Inc.
Specialty Products Company
Corning Glass Works
Alfred University

The objectives of the Center are as follows:

(a) To advance, develop and promote research applicable to the principles and technology of glass manufacturing and melting;

(b) To offer individuals the opportunity to develop their expertise in areas suitable for industrial application; and

(c) To involve the faculty of Alfred University in research in areas of interest to industrial sponsors and Alfred University.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 86-20387 Filed 9-9-86; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Notification; Microelectronics and Computer Technology Corp.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98-462 (the "Act"), Microelectronics and Computer Technology Corporation ("MCC") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission on July 30, 1986, disclosing a change in the membership of MCC, a change of ownership of a present party to MCC and a change of name of a present party to MCC. The additional written notification was filed for the purpose of extending the protection of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On June 4, 1986, Westinghouse Electric Corporation and each of its subsidiaries became parties to MCC. On June 9, 1986, RCA Corporation, an MCC shareholder, became a wholly-owned subsidiary of General Electric Company. The name of Mostek Corporation, an original party to MCC, has been changed to CTU of Delaware, Inc.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 86-20388 Filed 9-9-86; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted on or before October 10, 1986.

ADDRESSES: Send comments to Mrs. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202-786-0233) and Ms. Judy McIntosh, Office of Management and Budget, New Executvie Office Building, 726 Jackson Place NW., Room 3208, Washington, DC 20503 (202-395-6880).

FOR FURTHER INFORMATION CONTACT: Mrs. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania, Avenue NW., Washington, DC 20506 (202-786-0233) from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Extension

Title: Guidelines and applications forms for Directors in the Summer Seminars for College Teachers Program
Form Number: OMB 3136-0093
Frequency of Collection: Collections occur once yearly, according to individual program application deadlines
Respondents: College teachers/professors who are recognized scholars in their fields and are also well qualified by virture of their interest and ability in undergraduate teaching or the pertinence of their work to the interests of undergraduate teachers
Use: Application, evaluation, and award process for NEH Summer Seminars for College Teachers
Estimated Number of Respondents: 200
Estimated Hours for Respondents to Provide Information: 2.3

Title: Guidelines and applications Forms for Participants in the Summer Seminars for College Teachers Program
Form Number: OMB 3136-0096
Frequency of Collection: Collections occur once yearly, according to individual program application deadlines
Respondents: Teachers in two-year, four-year, and five year colleges
Use: Application, evaluation, and award process for participants in the NEH Summer Seminars for College Teachers
Estimated Number of Respondents: 2,000
Estimated Hours for Respondents to Provide Information: 3.

Title: Guidelines and applications Forms for Directors in the Summer Seminars for Secondary School Teachers Program
Form Number: OMB 3136-0095
Frequency of Collection: Collections occur once yearly, according to individual program application deadlines
Respondents: College and secondary school personnel
Use: Application, evaluation, and award process for Directors in the Summer Seminars for Secondary School Teachers Program.
Estimated Number of Respondents: 175
Estimated Hours for Respondents to Provide Information: 2.3

Title: Guidelines and applications Forms for Participants in the Summer Seminars for Secondary School Teachers Program
Form Number: OMB 3136-0097
Frequency of Collection: Collections occur once yearly, according to individual program application deadlines
Respondents: College and secondary school personnel
Use: Application, evaluation, and award process for participants in the Summer Seminars for Secondary School Teachers Program
Estimated Number of Respondents: 2,300
Estimated Hours for Respondents to Provide Information: 3.

Susan Metts,

Acting Director of Administration.

[FR Doc. 86-20359 Filed 9-9-86; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice of Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (Pub. L.) 97–415, the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last bi-weekly notice which was published on August 27, 1986 (51 FR 30561) through August 29, 1986.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice.

By October 10, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date.

Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Project Director):* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of General Counsel, Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Carolina Power and Light Company, Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: March 29, 1985.

Description of amendment request: The proposed amendment would revise Technical Specifications (TS) for the H.B. Robinson Steam Electric Plant Unit No. 2. The proposed revision involves adding new sections 3.18 and 4.18 to the Technical Specifications which add operability and surveillance requirements for systems and components concerned with Dedicated/Alternate shutdown.

Basis for proposed no significant hazards consideration determination: The licensee has reviewed this request and has determined that the proposed amendment involves no significant hazards considerations because the amendment adds additional limitations, restrictions, and controls (example ii, 51 FR 7751) and because the change is needed to govern an approved methodology which conforms to the requirements of the NRC's regulations (10 CFR 50, Appendix R). The NRC staff has reviewed the licensee's determination and agrees that the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of an accident of a type different from any evaluated previously, or (3) involve a significant reduction in the margin of safety.

Based on the above information, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, DC 20036

NRC Project Director: Lester S. Rubenstein.

Commonwealth Edison Company, Docket No. STN 50–454, Byron Station, Unit 1 Ogle County, Illinois

Date of application for amendment: August 5, 1986.

Description of amendment request: The amendment would revise Technical Specification Section 4.3.3.3.1d on page 3/4 3–44 and Section 3.7.1.2 on page 3/4 7–4.

Section 4.3.3.3.1d would be revised to delete the words "during shutdown" for the 18-month surveillance of seismic monitoring instrumentation. Deleting these words, which were originally imposed to reduce personnel exposure, allows the option of performing these surveillances while the units are in operation. Section 3.7.1.2 would be revised to remove the reference to the minimum level for the Diesel Fuel Supply System day tank, but leave the minimum number of gallons. This change would accommodate differences in the instruments and dimensions of the day tanks for Units 1 and 2.

Basis for Proposed No Significant Hazards Consideration Determination: The staff has evaluated this proposed amendment in accordance with the criteria of 10 CFR 50.92 and determined that it involves no significant hazards consideration. The first change, deleting "during shutdown," will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed amendment does not alter the manner in which the surveillances are performed. The change merely allows the option of doing the seismic instrumentation surveillances while the units are in operation. The seismic instrumentation does not perform a protective function; changing the mode of operation during which the surveillances are performed does not cause a significant increase in the probability or consequences of a previously evaluated accident.

(2) Create the possibility of a new or different kind of accident from an accident previously evaluated; because:

(a) The sole purpose of these instruments is to perform a monitoring function. Therefore, changing the mode of operation during which these tests are done does not create the possibility of a new or different kind of accident from an accident previously evaluated.

(b) This is an administrative change which would permit surveillances to be performed while the units are operating.

(3) Involve a significant reduction in the margin of safety, because there is no margin of safety associated with these seismic monitoring instruments.

The second change, deleting the reference to day tank level will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because:

(a) The proposed amendment does not alter the minimum required level of fuel in the diesel fuel supply system for the direct driven diesel auxiliary feedwater pump.

(b) The amendment merely deletes references to "71%" to eliminate confusion due to different instrument spans and physical tank capacity on Unit 1 and Unit 2.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because:

(a) The proposed amendment does not allow any new equipment or modes of operation which could initiate or effect the control of a transient or accident because the minimum required level of fuel for the day tank is not being altered.

(3) Involve a significant reduction in the margin of safety, because:

(a) There are no changes being made to hardware, or in the manner that the system is being operated. Hence, the margin of safety is not being compromised or changed. This proposed licensing amendment should be considered an administrative change.

Based on the preceding assessment, the staff has determined that this proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103.

Attorney for licensee: Michael Miller, Isham, Lincoln and Beal, One First National Plaza, 42nd floor, Chicago, Illinois 60603.

NRC Project Director: Vincent S. Noonan.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: May 5, 1977, as modified February 16, 1984, and July 18, 1986.

Description of amendment request: The amendment would revise the Technical Specifications to reflect provisions consistent with the appropriate Edition and Addenda of Section XI of the ASME Boiler and Pressure Vessel Code. Specifically the amendment would replace the inservice inspection requirements in Section 4.2 of the Technical Specifications with a commitment to an in-service program as specified in 10 CFR 50.55a. The request for this amendment was initially noticed October 27, 1983 (48 FR 49713). The February 16, 1984 modifications, noticed May 23, 1984 (49 FR 21828), and the July 17, 1986 modifications to the amendment request are necessary due to changes in the periodic updating schedule contained in 10 CFR 50.55a since the submittal of the initial request.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing certain examples (51 FR 7155). One of these examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. Since the proposed change involves additional commitments to inservice inspection not currently in the Technical Specifications, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Steven A. Varga.

Duke Power Company, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: August 4, 1986, as supplemented August 22, 1986.

Description of amendment request: The proposed amendments would revise the Technical Specifications (TS) for Units 1 and 2 to add the maximum allowable power range neutron flux high setpoint for 4 or 5 inoperable safety valves on any operating steam generator in TS 3/4.7, Table 3.7–1.

Basis for proposed no significant hazards consideration determination: The Commission has provided certain examples (51 FR 7744) of actions likely to involve no significant hazards considerations. The request involved in this case does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendments and determined that should this request be implemented, it would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change would not affect power operation of any safety system. Also, it would not (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the existing accident analyses performed for full power operation would envelop this mode of operation which only allows the reactor to remain subcritical if four or five safety valves are inoperable. Finally, it would not (3) involve a significant reduction in a margin of safety because the power range setpoint must be set at 0% rated thermal power and the reactor will not be allowed to go critical. Thus, there will not be a significant decrease in a margin of safety. Accordingly, the Commission proposes to find that the change does not involve a significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

NRC Project Director: B.J. Youngblood.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: October 29, 1985.

Description of amendment request: The proposed amendments would change the Technical Specifications by revising the overtemperature delta T, overpressure delta T, and loss of flow setpoints and by revising the overtemperature delta T and overpressure delta T response times. These changes are to account for plant modifications to the resistance temperature detector (RTD) system on the hot and cold legs of the reactor coolant system.

Basis for proposed no significant hazards consideration determination: The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability of consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendments will not involve a significant increase in the probability or consequences of an accident previously evaluated. The modification and Technical Specification changes will provide equivalent temperature detection capability with RTDs installed in each loop, in place of the existing bypass system, for input to the Reactor Control and Protection System (RCPS). Three narrow-range RTDs in each Hot Leg will provide input for reactor coolant loop differential temperature and average coolant temperature. One narrow-range RTD will be installed in the cold leg (at the discharge of the Reactor Coolant Pump), as well as an additional narrow-range RTD installed as a spare.

The RPCS parameters which are affected by narrow-range RTD accuracy have been analyzed by the licensee to assure that sufficient allowance is available in the RPCS setpoints to accommodate RTD error. The licensee has further determined that Departure-from Nucleate-Boiling (DNB) transients which are analyzed in Chapter 15 of the Final Safety Analysis Report (FSAR) remain conservative and need not be reanalyzed. Transients for which DNB is not a concern (or not the only concern) were reanalyzed and found acceptable. The Instrumentation and Control portion of the modification has been evaluated and remains functionally unchanged and physically equivalent to the existing hardware, and meets applicable criteria.

The proposed amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated. The modification involves the removal of a section of reactor coolant loop bypass piping, and the replacement of certain associated instrumentation and circuitry. The reactor coolant system will be restored to the integrity as

originally built using comparable codes and criteria.

The proposed amendments will not involve a significant reduction in a margin of safety. Changes to instrument response times and uncertainties have been determined, through test and analysis, to be consistent with, or not significantly different from, current values. The increased response time of the RTDs is partially offset by the elimination of the delay associated with the bypass manifold piping, and partly by the reduction of the RTD electronic filter time constant. Licensee evaluations of uncertainties associated with the modification confirm that the setpoints defined in the McGuire Technical Specifications remain valid.

From our preliminary review of the licensee's evaluation, we agree with the above determination. Based on the above, the Commission proposes to determine that the changes do not involve a significant hazards consideration.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

NRC Project Director: B.J. Youngblood.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: July 28, 1986.

Description of amendment request: The proposed amendment would update the pump testing surveillance requirements to comply with the requirements of 10 CFR 50.55a(g)4(i). The Inservice Testing program must be updated, in accordance with 10 CFR 50.55(g)4(i), every 120 months to the latest edition and addenda of the Code (ASME Section XI) referenced in paragraph (b) of that section twelve (12) months prior to the start of the interval. Paragraph (b) references the 1983 edition through the summer 1983 addenda. The 1983 ASME Section XI code edition allows quarterly pump testing, however, the current surveillance requirements require pump testing on a monthly basis. The revised surveillance requirements are proposed in accordance with 10 CFR 50.55a(g)5(ii) which states, "If a revised inservice inspection program for a facility conflicts with the technical specifications for a facility, the licensee shall apply to the Commission for amendment of the technical specifications to conform the technical specification to the revised program." The proposed changes incorporate applicable portions of the standard Technical Specification surveillance requirements and reference testing in accordance with specification 4.0.5.

Basis for proposed no significant hazards consideration determination: As stated above, the requested changes will be done in compliance with a regulation, and the end product, the revised technical specifications, will be in compliance with an edition and addenda of the ASME Code Section XI which is endorsed by a regulation. There is no change of hardware or operating procedures. Thus, requested changes do not create the possibility of an accident or malfunction of a different type from those previously evaluated, do not involve a significant increase in the probability or consequences of an accident previously evaluated, and do not decrease a margin of safety. Therefore, the staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Lester S. Rubenstein.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: December 10, 1985.

Description of amendment request: This proposed amendment would allow increasing the Uranium-235 loading limit in the Crystal River Unit 3 spent fuel pool B and the dry fuel storage rack from 3.5 weight percent to 4.0 weight percent. This minor increase in the loading limit would allow the licensee to utilize fuel which is slightly higher in U-235 in future fuel cycles with a slight improvement in fuel economy for operation of the facility.

Basis for proposed no significant hazards consideration determination: The purpose of limiting allowable fuel enrichment of assemblies stored in the wet and dry racks is to assure sufficient safety margin exists to prevent inadvertent criticality. This is done by assuring that a Keff equal to or less than 0.95 would be maintained conservatively assuming the racks fully loaded with fuel of the highest anticipated reactivity and flooded with unborated water at a temperature corresponding to the highest reactivity. The analysis submitted by the licensee indicates that storage of 4.0% (nominal) enriched fuel in Pool B will not cause Keff to exceed 0.95 under the conditions above. A second analysis for the dry storage racks was performed. The racks will be loaded in three 6×3 arrays such that every fourth row in the 6×11 rack is vacant. The analyses include margins for uncertainty in reactivity calculations and in mechanical tolerances.

Using the standards in 10 CFR 50.92, the licensee has concluded and the Commission's staff agrees that the proposed amendment involves no significant hazards considerations for the following reasons:

1. This proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The probability of a previously evaluated accident is not affected by an increase in fuel enrichment. For example, positioning a fuel assembly outside the rack, or dropping one on top of the rack has negligible reactivity effects. Also, any effect is offset by the fact that no credit is taken for soluble boron in the water which would reduce reactivity significantly below the .95 criterion. To reduce the probability of an unplanned criticality event, the licensee has physically blocked 12 storage locations in the dry fuel storage rack. An increase in fuel enrichment will not by itself affect the mixture of fission product nuclides. A change in fuel cycle design which makes use of an increased enrichment may result in fuel burnup consisting of a somewhat different mixture of nuclides. The effect in this instance is insignificant for the following reasons.

(a) The isotopic mixture of the irradiated assembly is relatively insensitive to the assembly's initial enrichment.

(b) Because most accident doses are such a small fraction of 10 CFR 100 limits, a large margin exists before any change becomes significant.

(c) The change in plutonium content which would result from an increase in burnup would produce more of some fission product nuclides and less of other nuclides. Small increases in some doses are offset by reductions in other doses. The radiological consequences of accidents are not significantly changed.

2. This proposed amendment will not create the possibility of a new or different kind of accident from any

accident previously evaluated. The change in enrichment would only affect an unplanned criticality event. As indicated in the licensee's analyses, an unplanned criticality event will not occur as Keff will not exceed .95 even with Pool B fully loaded with the highest enrichment fuel and flooded with cold unborated water, or dry storage racks immersed in a water mist of 7.5% moderator density. Criticality is possible for a mist environment only if the higher enriched fuel occupies all of the locations in the dry storage racks including those which are required to be vacant. To prevent this occurrence, the licensee has taken measures to preclude improper fuel storage.

3. This proposed amendment will not involve a significant reduction in a margin of safety.

While the increased enrichment in Pool B and the dry storage racks may lessen the margin to criticality, this reduction is not significant because the overall safety margin is within NRC criteria of Keff less than or equal to .95 (NRC Standard Review Plan, Section 9.1.2).

Based on the above, the Commission's staff proposes to determine that the requested amendment does not involve significant hazards considerations.

Local Public Document Room location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629.

Attorney for licensee: R.W. Neiser, Senior Vice President and General Counsel, Florida Power Corporation, P.O. Box 14042, St. Petersburg, Florida 33733.

NRC Project Director: John F. Stolz.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of amendment request: July 11, 1986.

Description of amendment request: The amendment would modify the Technical Specifications to add two new overcurrent protective devices to Table 3.8.2.6–1 to reflect the installation during the upcoming refueling outage of new drywell cooler units.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (51 FR 7751). An example (ii) of actions involving no significant hazards considerations is an amendment involving a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed Technical Specification modification imposes additional limitations, restrictions and controls and therefore falls within this example.

Therefore, since the application for amendment involves a proposed change that is similar to an example (ii) for which no significant hazards considerations exists, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of amendment request: July 18, 1986.

Description of amendment request: The amendment would modify the Technical Specifications to (1) revise allowable values (and trip setpoints, which are the same as the allowable values) for the reactor vessel water levels 1, 2, and 3; the shroud water level; the HPCI and RCIC steam line high flow; and the reactor steam dome low-pressure instruments to provide for the use of Rosemount as well as Barton transmitters as the analogue transmitter trip system instruments for these parameters; (2) provide clarifications and corrections; (3) revise the analytical limits and the corresponding allowable values for instruments which actuate on high drywell pressure, and (4) lower the core spray (CS) and residual heat removal low pressure coolant injection (RHR–LPCI) low reactor pressure injection permissive setpoints to allow for increased flexibility in the use of Rosemount transmitters for this trip function.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (51 FR 7751). One of these examples (i) of actions involving no significant hazards considerations relates to a purely administrative change to Technical Specifications.

Change item 2 would (a) correct parts numbers and the description of the reactor shroud water level trip in Table 3.3.3–1, (b) change the value used to indicate the suppression chamber high water level trip (actual level is unchanged), and (c) change a 42.5 °F area differential temperature allowable value to 42 °F for simplification. These changes are clarifications and corrections to the existing Technical Specifications and involve no changes in the actual requirements. These are administrative changes similar to example (i).

The Commission has also provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

We have evaluated proposed changes (1), (3) and (4) above against these criteria. None of these three proposed changes to the Technical Specifications involves or results in a change in the design function of equipment or in the mode of operating the plant. Instead the changes involve setpoint changes that the licensee states have been determined using the criteria of NRC Regulatory Guide 1.105 and methodology previously approved by the NRC in Amendment 39 to the Hatch Unit 2 Technical Specifications. Changes 1 and 3 preserve appropriate margins to the current analytical limits for the parameters involved. For change (4), it was necessary to relax the analytical limit for the RHR–LPCI and core spray injection value permissives. However the licensee has provided an analysis performed by General Electric Company that shows that the impact of the change in the analytical limits on the resultant accident analyses, and hence safety of the plant, is negligible.

On the basis of the above, we have determined that:

1. Since the changes do not create new modes of operation or change the design functions of equipment, they do not create the possibility of a new or different kind of accident from any previously evaluated.

2. Since no new modes of operation are created and since the analytical limits are maintained or, where changed, the impact on accident analysis results has been shown to be negligible, the

change does not involve (a) a significant increase in the probability or consequences of an accident previously evaluated or (b) a significant reduction in margin of safety.

On the basis of the above, the Commission has made a proposed determination that the amendment application does not involve a significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of amendment request: July 18, 1986 superseding the submittal of April 23, 1984.

Description of amendment request: This submittal supercedes the submittal of April 23, 1984 which was noticed in the **Federal Register** on October 24, 1984 (49 FR 42822). The amendment proposed in this submittal would modify the Technical Specifications (TS) to: (1) add limiting conditions for both normal and end-of-cycle Recirculation Pump Trip Actuation Instrumentation; (2) clarify the surveillance requirements for these instruments by moving a vague reference to them from TS Table 3.3.1–1 to new Table 3.3.9–1; and (3) add trip setpoints and surveillance requirements for those instruments for both normal and end-of-cycle operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (51 FR 7751). An example (ii) of actions involving no significant hazards considerations is an amendment involving a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. Proposed Technical Specification modifications 1 and 3 impose additional limitations, restrictions and controls and therefore fall within this example.

Another example (i) of actions involving no significant hazards considerations is an amendment involving a purely administrative change to the Technical Specifications, such as a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. Proposed Technical Specification modification 2 is such an action as it is only an administrative change, neither increasing nor lessening previous requirements.

Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of amendment request: July 10, 1986, supplementing the submittal of January 27, 1986.

Description of amendment request: This submittal modifies the January 27, 1986 request to: (1) withdraw all of the January 27, 1986 requested Technical Specification changes except for the proposed changes to notes c and d of Table 4.15.2–1 (Unit 1) and Table 4.11.2–1 (Unit 2) and (2) revise the previously proposed changes to notes c and d to (a) require additional sampling and analysis following shutdown startup or power level changes greater than 15 percent of rated thermal power only if the primary coolant activity of I–131 and the noble gas activity increases by more than a factor of three and (b) to require grab sample analysis of principal gramma emitters only.

Basis for proposed no significant hazards consideration determination: The Commission has also provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes are consistent with NUREG–0473, "Standard Radiological Effluent Technical Specifications for BWRs", Revision 2, February 1, 1980 (model RETS).

During the course of reviewing and implementing the RETS for operating reactors it became evident that the mode of operation of some power reactors would require additional sampling of gaseous effluents, almost continually, if the wording of the earlier RETS guidance were used, namely, "following each start-up, shut-down, and thermal power change exceeding 15% in one hour." Since the purpose of such additional sampling is to detect possible rapid releases of radioiodine ("iodine spiking") during significant changes in power, the augmented sampling is not necessary unless other monitoring indicators show possible problems with failed fuel. Therefore, a revision was made to the RETS guidance adding the caveat that the additional sampling and analysis should be done only if the iodine-131 activity in the primary coolant and the noble gas activity monitor reading increase by more than a factor of 3 during the power change. The first change proposed by the licensee, namely the notation for the additional sampling of gaseous effluents, follows the present revised RETS guidance.

The second change requested involves clarification of the extent of analysis required for the special samples obtained under the circumstances described above. The current Technical Specifications require analyses of special gaseous effluent samples for tritium as well as for principal gamma emitters. Since as explained above, the primary purpose of these samples is to detect an "iodine spike," analysis of tritium is not necessary or pertinent. Hence, the modification of the tabular notation to specify analysis for only principal gamma emitters meets the intent of the guidance of the model RETS.

On the basis of the above discussion, the proposed changes are not expected to significantly change the margin of safety.

The probability of occurrence or the consequences of an accident or malfunction of equipment important to safety are not increased above those analyzed in the FSAR due to these changes because they do not affect the mode of operation or function of any safety system.

The possibility of an accident or malfunction of a different type than analyzed in the FSAR does not result from these changes because this

proposal does not change the mode of operation of any safety system.

Accordingly, the Commission has determined that the requested amendments meet the three criteria and therefore has made a proposed determination that the amendment application does not involve a significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. I and 2, Appling County, Georgia

Date of amendment request: July 25 1986.

Description of amendments request: These amendments would:

1. Revise the fire protection license conditions (License Condition 2.C(3) for Unit 1 and 2.C(3)(b) for Unit 2 to provide consistency with the standard fire protection license condition contained in NRC Generic Letter 86–10.

2. Delete the limiting conditions for operation and the surveillance requirements for fire protection equipment from Technical Specifications Sections 3 and 4.

3. Delete the minimum fire team staffing requirement from Technical Specification 6.2.2.

4. Revise Technical Specification 6.5.1.6 so that Plant Review Board (PRB) review is required for changes to the fire protection program and the implementing procedures.

5. Add to Technical Specification 6.9.2 a requirement that special reports for fire protection equipment operating and surveillance requirements be submitted to the Commission, as required by Appendix B of the Hatch Fire Hazards Analysis and Fire Protection Program, which is referred to as the FHA.

6. Delete Definition PP. Fire Suppression Watch System from Unit 1 Technical Specifications.

The updated FHA, which was submitted on July 22, 1986, and is incorporated by reference into the FSARs for Unit 1 and Unit 2, contains requirements replacing those that were previously included in the Unit 1 and Unit 2 Technical Specifications and addresses the fire protection items that are part of the license conditions for each unit.

NRC Generic Letter 86–10 advised licensees that (1) an NRC Approved Fire Protection Program and Fire Hazards Analysis should be incorporated into their FSARs; (2) upon completion of this effort, the licensees could apply for an amendment to the operating license to amend the existing license condition regarding fire protection; and (3) at the same time, the licensee could request an amendment to delete the fire protection Technical Specifications. This request by the licensee is responsive to Generic Letter 86–10.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists 10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes do not significantly increase the probability or consequences of an accident previously evaluated, because no changes to safety systems or setpoints are proposed. The proposed changes simply relocate the fire protection requirements from the Technical Specifications to the FHA. New controls are also being incorporated for fire protection systems and equipment being added to the plant in order to meet the requirements of Appendix R. These changes will decrease the severity of the consequences of a fire.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated, because these changes do not affect the operation or function of any safety-related equipment. The fire protection program requirements will continue to be maintained. No new modes of operation are being introduced.

The proposed changes do not involve a significant reduction in a margin of safety, because the requirements previously contained in the Technical Specifications are simply being relocated to Appendix B of the FHA.

On the basis of the above, the Commission has determined that the requested amendments meet the three criteria and therefore has made a proposed determination that the amendment application does not involve a significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller.

Kansas Gas and Electric Company, Kansas City Power and Light Company, Kansas Electric Power Cooperative, Inc., Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: August 13, 1986.

Description of amendment request: The proposed amendment would delete from the Design Features Section 5.3.1 of the Wolf Creek Technical Specifications (TS) the maximum fuel rod weight limit of 1,766 grams of uranium. The purpose of the change would be to permit the use of assemblies slightly over the weight limit. Fuel weights have increased slightly due to recent changes to the fuel design, including chamfered pellets with reduced dish and nominal density increase.

Basis for proposed no significant hazards consideration determination: In accordance with the requirements of 10 CFR 50.92, the licensee submitted the following significant hazards determination:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of previously evaluated accidents?

Response: The change in fuel rod weight that could occur without a Technical Specification limit is small because other fuel design constraints such as rod diameter, gap size, UO_2 density, fuel active lengths, etc., limit the variation in rod weights. The current safety analyses are not based on fuel rod weights, but more on parameters such as power thermal conductivity, fuel dimensions, etc. These parameters are either: (1) not affected at all by fuel rod weight, or (2) are only slightly affected. However, a review of parameters which may be affected indicates that a change in fuel weight does not cause other parameters to exceed the values assumed in the safety analyses or to cause acceptance criteria to be exceeded. The slight effects are such that the monitored nuclear parameters (power power distribution. nuclear coefficients etc.) remain within their Technical Specification limits. Thus, it is

concluded that the change does not involve a significant increase in the probability or consequences of previously evaluated accidents.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: The possibility of a new or different kind of accident from any previously evaluated has been considered and is not affected by this change. All of the fuel is contained in the fuel rod which is of the same dimensions and designed to function the same as previous fuel. The existing new and spent fuel criticality analyses bound the changes observed. Therefore, this change does not create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: The margin of safety is maintained by adherence to other Technical Specification limits and the FSAR Design Bases. The deletion of fuel rod weight limits in Technical Specifications Design Features Section 5.3.1 does not directly affect any safety system or safety limits. Because safety margins are maintained by other limiting Technical Specifications, Design Features Section 5.3.1 will not affect the margin of safety.

Based on the above analysis, the licensee concluded that the proposed amendments do not involve significant hazards considerations. The staff has reviewed the licensee's significant hazards considerations determination and agrees with the licensee's analysis. The staff has. therefore made a proposed determination that the licensee's request does not involve a significant hazards consideration.

Local Public Document Room location: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia Kansas, 66801 and Washburn University School of Law Library, Topeka, Kansas.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: B.J. Youngblood.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana.

Date of Amendment Request: May 23, 1986.

Description of Amendment Request: In accordance with Emergency Core Cooling Systems (ECCS) Technical Specification (TS) surveillance requirement 4.5.2.d.5, trisodium phosphate dodecahydrate (TSP) storage baskets are to be visually inspected at least once per eighteen (18) months for evidence of aggregation and any aggregate found must be mechanically dispersed. The proposed change would eliminate this TS surveillance requirement.

In February of 1986, to confirm Previous experimental work, a test was conducted at Waterford 3 in which a brick of aggregated TSP was partially submerged in potable water at 53° F. The aggregated mass crumbled into granules and formed a heap in twelve (12) minutes without agitation. Under actual conditions, the crumbling of an aggregated mass of TSP would be much faster due to borated water flow and higher temperatures.

Based on the results of this and previous tests conducted by Combustion Engineering, there is no need to ensure that TSP is in granulated form and therefore no need to break up the aggregated TSP to ensure dissolution. Since the 12-minute granulation time does not significantly affect the attainment of neutral pH within the three (3)-hour time frame stipulated in T.S. 4.5.2.d.4, TS surveillance requirement 4.5.2.d.5 is unnecessary and consequently can be deleted. Similarly, the word "granular" can be deleted from 4.5.2.d.3. By implementing these changes, worker radiation exposures incurred during TSP basket handling and aggregate dispersal would be reduced.

Basis for Proposed No Significant Hazards Consideration Determination: The NRC staff proposes that the proposed change does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not (a) involve a significant increase in the probability or consequences of an accident previously evaluated; or (b) create the possibility of a new or different kind of accident from any accident previously evaluated; or (c) involve a signficant reduction in a margin of safety. The basis for this proposed finding is given below.

(a) This change eliminates an unnecessary surveillance requirement based on the results of the test conducted in February 1986 at Waterford 3 as mentioned above. Tests conducted by Combustion Engineering provide similar justification, since experimental results indicated that TSP, when compressed at 20,000 psia, dissolved within 375 seconds (6.25 minutes). When considering a total dissolution time of less than 19 minutes (12 minutes needed to break up the aggregate plus 6.25 minutes needed to dissolve granulated TSP) versus the three hours required to attain the proper pH per T.S. 4.5.2.d.4, the aggregation does not significantly affect the attainment of neutral pH. Therefore, no increase in the probability or consequences of any accident previously evaluated will result from these changes.

(b) Since the TSP in aggregated form crumbles and readily dissolves, pH adjustment of the liquid in the containment sump is ensured. The proposed change to eliminate the surveillance requirement does not prevent dissolution of TSP, nor does the proposed change introduce new perturbations to plant operation. Consequently, elimination of the surveillance requirement does not create the possibility of a new or different kind of accident from any accidents previously evaluated.

(c) This proposed change will not affect the margin of safety because the requirement to attain a neutral pH within 3 hours (T.S. 4.5.2.d.4) is in no way impeded. Using the experimental results from the recent Waterford 3 test, coupled with previous experimental work conducted by Combustion Engineering on compressed TSP, sufficient justification exists to define "aggregate" as a solid block of TSP larger than the existing baskets in containment. Therefore, a reduction in a margin of safety would not result.

As the change requested by the licensee's May 23, 1986 submittal satisfies the criteria of 50.92, it is concluded that: (1) the proposed changes does not constitute a significant hazards consideration as defined by 10 CFR 50.92; (2) there is reasonable assurance that the health and safety of the public wi11 not be endangered by the proposed change; and (3) this action will not result in a condition which significantly alters the impact of the station on the environment as described in the NRC Final Environmental Statement.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for Licensee: Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M St., NW., Washington, DC 20036.

NRC Project Director: George W. Knighton.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of Amendment Request: May 23, 1986.

Description of Amendment Request: The proposed change will revise Technical Specification (TS) surveillance requirement 4.7.10.1.3.c.1 to remove the requirement for inspection of Diesel Fire Pump Battery cell plates. TS 4.7.10.1.3 delineates the surveillance requirements for each fire pump diesel starting (12-volt) battery bank and charger. In particular, item c.1 stipulates that the batteries, cell plates and battery racks are to be checked at least once per eighteen (18) months to ensure that there is no visual indication of physical damage or abnormal deterioration. The proposed TS change will delete the inspection requirement. Adequate indication of battery condition is ensured through related TS surveillance requirements.

Basis for Proposed No Significant Hazards Consideration Determination: The NRC staff proposes that the proposed change does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not (a) involve a significant increase in the probability or consequences for an accident previously evaluated; or (b) create the possibility of a new or different kind of accident from any accident previously evaluated; or (c) involve a significant reduction in a margin of safety. The basis for this proposed finding is given below.

(a) This proposed change only involves an elimination of the requirement for visually inspecting diesel fire pump battery cell plates. Since the diesel fire pump batteries at Waterford 3 are housed in black opaque cases, the only way to visually inspect the cell plates is through the small fill caps at the top of the batteries. This type of inspection does not represent a true indication of the cell plates' condition since bridging of the cell plates would most likely occur at the bottom. Also, batteries of the size and capacity of the diesel fire pump batteries are unavailable in clear cases. The remaining surveillance requirements on electrolyte level, voltage and condition of connections provide adequate indication of the batteries' condition. Therefore, the TS change would have no impact on the probability or consequences of any accident previously evaluated.

(b) The proposed change introduces no new perturbations to plant operations. Because related surveillance requirements provide adequate indication of the condition of the batteries, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(c) The proposed change to eliminate the surveillance requirement to visually inspect battery cell plates is based on the fact that the battery enclosures prevent such an inspection at the bottom of the cell plates, which is the only area that would reflect cell plate damage or deterioration. Additionally, deletion of the cell plate inspection requirement would not have an impact on the batteries integrity since other surveillance requirements on electrolyte level, votage and condition of connections exist to ensure their operability. Therefore, the proposed change would not result in a reduction in a margin of safety.

As the change requested by the licensee's June 24, 1986 submittal satisfies the criteria of 50.92, it is concluded that: (1) the proposed changes does not constitute a significant hazards consideration as defined by 10 CFR 50.92; (2) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed change; and (3) this action will not result in a condition which significantly alters the impact of the station on the environment as described in the NRC Final Environmental Statement.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for Licensee: Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M St., NW., Washington, DC 20036.

NRC Project Director: George W. Knighton.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of Amendment Request: May 23, 1986.

Description of Amendment Request: The proposed change will eliminate the requirement to shut the plant down when coolant activity levels are exceeded for 800 hours in a 12-month period and will reduce the reporting requirements for iodine spiking short-term report (Special Report) to an item which is to be submitted annually when the limits of Technical Specification 3.4.7 are exceeded. The proposed change will also revise Technical Specification Bases Section 3/4.4.7 and Administrative Controls Section 6.9.1.4 to achieve consistency throughout the Technical Specifications.

In an effort to eliminate unnecessary reporting requirements (Generic Letter 85–19), the Commission has determined that the existing requirements to shut down a plant if coolant activity limits are exceeded for 800 hours in a 12-month period can be eliminated based on such factors as the improvement of nuclear fuel quality, proper fuel management practices and existing reporting requirements. The Commission also has determined that the reporting requirements related to primary coolant specific activity levels, specifically primary coolant iodine spikes, can be reduced from a short-term report to an item which is to be included in the utility's Annual Report.

Although this change will result in a relaxation of the term reporting requirements on primary coolant specific activity levels, it does not alter the associated surveillance requirements for sampling and analysis which assures that excessive specific activity levels in the primary coolant will be detected in sufficient time to take corrective action.

Basis for Proposed No Significant Hazards Considerations Determination: The NRC staff proposes that the proposed change does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not (a) involve a significant increase in the probability or consequences of an accident previously evaluated; or (b) create the possibility of a new or different kind of accident from any accident previously evaluated; or (c) involve a significant reduction in a margin of safety. The basis for this proposed finding is given below.

(a) The removal of the short-term reporting requirements will not have an operational impact on Waterford 3, since the relevant information will be included in the annual report, when required. The removal of the constraint requiring the facility to shut down when iodine coolant activity limits are exceeded for 800 hours in a 12-month period will not have an adverse impact on safety since the change does not reduce the requirements for taking reactor coolant samples and monitoring the iodine levels.

The effect of an accident occurring during a period of operating with the iodine coolant specific activity limit exceeded would be increased thyroid doses in the event of a release.

However, the effect on thyroid doses is not related to the number of hours the facility has exceeded the 800-hour limit, but on the specific activity itself. Because the iodine coolant specific activity is directly related to the way the facility is being operated, appropriate action would be taken to reduce the coolant during the 12-month period. Therefore, no increase in the probability or consequences of any accident previously evaluated will result from these changes.

(b) The proposed change involves the reduction of the administrative reporting requirements related to iodine coolant activity limits being exceeded for periods longer than 500 hours in a 6-month period and removes the requirement for subsequently shutting down the facility after exceeding the limits for 800 hours during a 12-month period. Because this change does not result in a change in the way the facility will be operated nor does it alter the associated surveillance requirements for sampling and analysis, implementing the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(c) Since appropriate actions based on proper fuel management practices and existing reporting requirements would be initiated well before accumlating 500 or 800 hours above the iodine activity limit, the proposed change would not alter the existing margin of safety.

The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations. Example (vii) relates to a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

In this case, the proposed change is similar to Example (vii) in that the change involves the reduction of the administrative reporting requirements related to iodine coolant activity limits in accordance with the regulatory interpretations documented in Generic Letter 85–19 and matches the model Technical Specifications contained in that generic letter.

As the change requested by the licensee's May 23, 1986 submittal fits the example provided, as well as satisfies the criteria of 50.92, it is concluded that: (1) The proposed change does not constitute a significant hazards consideration as defined by 10 CFR 50.92; (2) there is a reasonable assurance that the health and safety of the public will not be endangered by the proposed change; and (3) this action will not result in a condition which significantly alters the impact of the station on the environment as described in the NRC Final Environmental Statement.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for licensee: Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: George W. Knighton.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana.

Date of Amendment Request: June 24, 1986.

Description of Amendment Request: The proposed change would revise the technical specifications on Administrative Control 6.2.4.1, Shift Technical Advisor, and Table 6.2–1, Minimum Shift Crew Composition.

On October 28, 1985 the Commission published a policy statement on Engineering Expertise on Shift (50 FR 43621). The policy statement provided two options to meet provisions of Item I.A.1.1 of "Clarification of TMI Action Plan Requirements," NUREG–0737, for an on-duty Shift Technical Advisor (STA). The first option allows a Senior Reactor Operator (SRO) to perform the dual SRO/STA function provided that the SRO meets the STA training criteria and possesses one of the educational requirements defined in the policy statement. The second option is the continued use of a dedicated STA on each shift who meets the training criteria of NUREG–0737.

The proposed change implements the combined SRO/STA position while maintaining the flexibility to use Option 2 should Option 1 requirements not be met. Specifically, Administrative Control 6.2.4.1 is rewritten to define the STA requirements consistent with the Commission policy statement. The proposed change for Table 6.2–1, which defines the minimum shift crew composition, includes a footnote to implement the dual SRO/STA position provided the SRO meets the criteria defined in Administrative Control 6.2.4.1.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations. Example (vii) concerns a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. In this case, it is clear that the Commission intends licensees to implement a dual SRO/STA position, and has determined that with the NUREG–0737 long-term improvements it is safety-beneficial to do so. While the Commission's policy statement is not, strictly speaking, a regulation, the proposed change is nonetheless similar to Example (vii).

As the change requested by the licensee's June 24, 1986 submittal fits the example as well as satisfies the criteria of 10 CFR 50.92, it is concluded that: (1) the proposed change does not constitute a significant hazards consideration as defined by 10 CFR 50.92; (2) there is a reasonable assurance that the health and safety of the public will not be endangered by the proposed change; and (3) this proposed action will not result in a condition which alters the impact of the station on the environment as described in the NRC Final Environmental Statement.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for Licensee: Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M St., NW., Washington, DC 20036.

NRC Project Director: George W. Knighton.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of Amendment Request: August 20, 1986.

Description of Amendment Request: Technical Specification 3.11.1 addresses the release of liquid radioactive effluents to unrestricted areas. The proposed change will include the additional action requirement to "describe the events leading to this condition in the next Semiannual Radioactive Effluent Release report". This requirement already exists in the action statement for the technical specification concerning the release of gaseous effluents. Therefore, this change will establish consistency among the technical specifications.

Basis for Proposed No Significant Hazards Considerations Determination:

The NRC staff proposes to determine that the proposed change does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated: or (2) Create the Possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in the margin of safety. The basis for this proposed finding is given below.

(1) This change does not alter the operation of the plant; it only adds the requirement of reporting the circumstances of any uncontrolled or abnormal liquid effluent release in the Semiannual Radioactive Effluent Release Report. Therefore, there is no increase in the probability or consequences or any accident previously analyzed.

(2) Since the proposed change does not result in a physical change to the plant, it does not create the possibility of a new or different kind of accident.

(3) As previously stated, this change does not impact plant operation and does not involve any plant modifications; therefore, the margin of safety will remain unaffected.

The Commission has also provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations. Example (ii) relates to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications, for example, a more stringent surveillance requirement.

In this case, the proposed change is similar to Example (ii) since it establishes an additional reporting requirement.

As the change requested by the licensee's August 20, 1986 submittal fits the example provided, as well as satisfies the criteria of 50.92, it is concluded that: (1) the proposed change does not constitute a significant hazards consideration as defined by 10 CFR 50.92; (2) there is a reasonable assurance that the health and safety of the public will not be endangered by the proposed change; and (3) this action will not result in a condition which significantly alters the impact of the station on the environment as described in the NRC Final Environmental Statement.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for Licensee: Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M St., NW., Washington, DC 20036.

NRC Project Director: *George W. Knighton.*

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: January 29, 1986 as amended July 29, 1986.

Description of amendment request: The proposed amendment would revise the Technical Specifications to incorporate the specific requirements for iodine spiking into the annual report as recommended in Generic Letter 85–19 (Reporting Requirements on Primary Coolant System Iodine Spikes) and delete the primary coolant iodine activity report from Technical Specification 5.9.1.7, Special Reports, since this aspect of plant operation would be reported on an annual basis pursuant to the proposed Technical Specification 6.9.1.3.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment it must provide to the Commission its analysis, using the standards in 10 CFR 50.92, about the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the following analysis has been performed by the licensee:

This proposed change does not involve a significant hazards consideration because operation of Maine Yankee in the proposed manner would not:

a. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The elimination of the current Remedial Action Steps 1 and 2 of Technical Specification 3.2 requiring a plant shutdown if the coolant iodine activity limits are exceeded for 800 hours in a 12 month period and 500 hours in a 6 month period, respectively, does not significantly increase either the probability or the consequences of a previously evaluated accident.

The consequences of an accident analyzed with elevated coolant activity is bounded by analyses of applicable accidents assuming a pre-existing iodine spike of 60 uCi/gram dose equivalent I–131 activity.

The probability of previously evaluated accident is not significantly increased by the duration of the elevated coolant iodine activity. Proper fuel management ensures that appropriate actions would be taken in the event the Technical Specification iodine limit was exceeded to ensure that fuel cladding integrity would be maintained with design limits and preclude any Possibility of 800 cumulative hours of coolant iodine activity above the Technical Specification limit. The NRC staff has determined, [GL–85–19], that this Technical Specification requirement (shutdown if coolant iodine activity limits are exceeded for 800 cumulative hours in a 12 month period) is unnecessary and can be eliminated.

The remaining changes relax the special 30 day reporting requirements for iodine spikes to an annual report consistent with the guidance of Generic Letter 85–19. These are administrative changes and do not affect the probability or consequences of an accident previously evaluated.

b. Create the possibility of a new or different kind of accident from any previously analyzed.

The operating limits and sampling requirements for coolant iodine activity have not been altered by the proposed changes. Therefore, approval of these changes will not create the possibility of a new or different kind of accident from any previously analyzed.

c. Involve a significant reduction in a margin of safety.

As previously stated, the coolant iodine activity limits have remained unchanged at operating levels equal to or greater than 80% power. At operating levels less than 80% power, higher coolant iodine activity limits would be permitted than those previously allowed. While this could be considered as a relaxation to existing requirements, it is not considered a significant reduction in a margin of safety because these limits are only allowed at reduced thermal power conditions. The NRC has generically accepted these limits for Combustion Engineering plants in NUREG–0212, Revision 2.

Based on the above evaluation, this change does not involve a significant hazards consideration.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, based on this review, the staff proposes to determine that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: J.A. Ritscher, Esq., Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02210.

NRC Project Director: Ashok C. Thadani.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: January 29, 1986, as amended April 14, July 16, and August 26, 1986.

Description of amendment request: The amendment would make six changes in the Technical Specifications: (1) Change the names and valve numbers of certain plant service water system valves listed in Technical Specification Tables 3.6.4–1, 3.8.4.1–1, and 3.8.4.2–1 to reflect the incorporation of those valves into the drywell chilled water system: (2) clarify which quality assurance records specified in Technical Specification 6.10.2.i must be retained for the duration of the operating license; (3) change Technical Specification 3/4.6.5 "Drywell Post-LOCA Vacuum Breakers" to reflect the installation of position indicators for the vacuum breaker check valves; (4) delete reference to Specification 6.9.1.13.f in Technical Specification 3.12 "Radiological Environmental Monitoring"; (5) change Technical Specification 3/4.1.3 "Control Rods" to reflect installation in the control rod scram discharge volume system of diverse and redundant level instrumentation and redundant vent and drain valves and to allow an alternate system test in lieu of a scram test following valve installation and maintenance; and, (6) change notes in Technical Specification Tables 3.3.3–1 and 4.3.3.1–1 to make permanent the temporary condition allowing the HPCS activation signals of Drywell Pressure-High and Manual Initiation to be inoperable when the reactor water level is higher than Level 8 and reactor pressure is less than 600 psig.

This notice supersedes a previous notice published in the **Federal Register** on August 13, 1986 (51 FR 29002). The previous notice was based on the licensee's initial application dated January 29, 1986, as amended April 14 and July 16, 1986. During its safety review of the proposed changes to the Technical Specifications for the scram discharge volume, change (5), the staff noted that the proposed surveillance requirement for the scram discharge volume would have eliminated the presently required periodic scram test under operating conditions from 50% control rod density. In response to staff requests, the licensee proposed by letter dated August 26, 1986, to retain the periodic scram test from 50% rod density, but to add a footnote which would allow plant startup following installation of the valves and subsequent maintenance on the scram discharge volume system without a scram test. In its August 26, 1986 letter, the licensee further committed to perform a system test prior to plant restart to demonstrate design drainage flow following the installation of the redundant vent and drain valves and to perform similar system tests prior to plant restart following maintenance on the scram discharge volume system. This notice is based on the revised application from that initially noticed which results in greater assurance that the drain and vent lines and valves of the scram discharge volume system will perform their safety function following installation of the new valves and future maintenance. Appropriate changes to the initial notice have been incorporated in this notice with respect to change (5).

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety. The Commission has also provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the **Federal Register** on March 6, 1986, (51 FR 7744).

The licensee has provided an analysis of significant hazards considerations in its January 29, April 14, July 16 and August 26, 1986, submittals. The licensee has concluded, with appropriate bases, that the proposed amendment satisfies the three standards in 10 CFR 50.92 and, therefore, involves no significant hazards considerations. The NRC staff has made a preliminary review of the licensee's amendment request. A summary of staff's review follows.

Changes (1), (2), and (4) of the proposed amendment are similar to example (i) in 48 FR 14870. Example (i) is a purely administrative change to Technical Specifications: e.g., A change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. Change (1) would change only names and identification numbers for certain plant service water (PSW) system valves listed in Technical Specifications tables. The new names and numbers identify the valves as belonging to the drywell chilled water (DCW) system. The DCW system was installed to increase the drywell cooling capability of the PSW system. The DCW system used the existing PSW valves and piping but nomenclature of the valves was not changed at the time of installation. The proposed change will make the valves listed in Technical Specifications reflect the system with which they are now associated and will permit name plates, labels and tags to identify them as DCW valves instead of PSW valves. The Technical Specifications requirements are unaffected by this nomenclature change. Change (2) would achieve consistency between Technical Specification (TS) 6.10.1 which requires certain records to be retained for five years and T.S. 6.10.2 which requires certain records to be retained for the duration of the operating license. The individual records identified in T.S. 6.10.1.a, T.S. 6.10.1.b, and T.S. 6.10.1.d are part of the quality assurance records identified as a whole in T.S. 6.10.1.i "Records of Quality Assurance activities required by the operational Quality Assurance Manual." Change (2) would add the phrase "not listed in Specification 6.10.1" after "Manual" in T.S. 6.10.2.i to achieve consistency between the two specifications. Change (4) would correct an error in Technical Specification 3.12 "Radiological Environmental Monitoring" by deleting a reference to Technical Specification 6.9.1.13.f. Specification 6.9.1.13.f had been previously deleted by a license amendment in response to Generic Letter 83–43 regarding implementation of 10 CFR 50.73 "License Event Reporting System." It was intended to delete all references to this specification throughout the Technical Specifications, but the reference in T.S. 3.12 was inadvertently not deleted.

Another example provided by the Commission of actions likely to involve no significant hazards considerations (v) is a relief granted from an operating restriction that was imposed because construction was not completed. Change (3) is similar to this example. License Condition 2.C.(35) requires that position indicators for drywell vacuum breaker check valves be installed prior to startup following the first refueling outage. An action statement and two surveillance requirements were added by Note 1 to Technical Specification 3/

4.6.5 "Drywell Post LOCA Vacuum Breakers" until the position indicators are installed and operable. The licensee has previously submitted the proposed design changes by letter dated May 24, 1985, and the staff has previously reviewed and accepted the proposed design changes by letter dated July 23, 1985. Change (3) would delete Note 1 to T.S. 3/4.6.5 and specify the actions to be taken if a vacuum breaker or its associated isolation valve is found to be inoperable or if the position indicators for these valves are found to be inoperable by the surveillance tests.

Change (5) would provide Technical Specification changes needed for operation with new equipment to be installed in the control rod scram discharge volume (SDV) system. License Condition 2.C.(15) requires the installation prior to startup following the first refueling shutdown of diverse and redundant level instrumentation and redundant vent and drain valves. The redundant level instrumentation will provide redundant trip signals to the reactor protection system before the scram discharge volume is overfilled with water. The redundant signal to RPS will help to ensure that the reactor is shut down before the scram discharge volume is filled to the point that sufficient volume is not available to accept the discharge from the control rod drive system during control rod scram. The redundant scram discharge volume vent and drain valves in series with the present vent and drain valves will provide additional assurance that the scram discharge volume will isolate on a control rod scram signal. A footnote will be added to Surveillance Requirement 4.1.3.1.4 to allow the scram test of the system to be waived following startup after valve installation or maintenance on the system. Administrative procedures will require a system test prior to startup following valve installation or maintenance on the system to demonstrate design drainage flow from the system. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the design change increases the reliability of the reactor protection system and the scram discharge volume isolation function does not change the accident mitigation function. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the design change adds redundant reactor protection trip signals and redundant scram discharge volume isolation valves. The proposed change does not involve a significant reduction in the margin of safety because there is no change in the level instrumentation control rod scram setpoint nor in the isolation valve closing time.

Change (6) would modify the note in Technical Specification Table 3.3.3–1, "ECCS Actuation Instrumentation," and Table 4.3.3.1–1, "ECCS Actuation Instrumentation Surveillance Requirements," by deleting the phrase "Prior to STARTUP following the first refueling outage." The deletion of this phase from the note to the two tables makes the note applicable for the duration of the operating license. The note modifies the Technical Specifications on the high pressure core spray (HPCS) system actuation instrumentation such that the injection function of Drywell Pressure-High and Manual Initiation are not required to be OPERABLE when the indicated water level on the wide range instrument is greater than Level 8 coincident with the reactor pressure being less than 600 psig. The effect of this note on plant safe operation was previously analyzed by the licensee and accepted by the NRC staff in its safety evaluation attached to Amendment 10 to the GGNS low power license (September 23, 1983). The limitation in the note to allow such operation only prior to startup following the first refueling outage was included until the accuracy of the water level instrumentation could be determined. The accuracy of the installed water level instrumentation was analyzed by the licensee and accepted by the NRC staff in its letter dated March 18, 1985. Because Change (6) does not change equipment, procedures or conditions for operation from those previously analyzed and because the reason for the time limitation (uncertainty in water level instrumentation accuracy) has been satisfactorily addressed in a previous safety evaluated, the change would not: (1) involve a significant increase in the probability or consequence of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Accordingly, the Commission proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

NRC Project Director: Walter R. Butler.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: June 13, 1986 as amended August 26, 1986.

Description of amendment request: The amendment would change Technical Specification 3/4.5.1, "ECCS—Operating," with respect to the automatic depressurization System (ADS) air system by adding surveillance requirements and an associated action statement for the accumulator low pressure alarm system instrumentation channels and by adding a leakage test for the ADS air system.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensee has provided an analysis of significant hazards considerations in its June 13, 1986 request for a license amendment as amended by letter dated August 26, 1986. The licensee has concluded, with appropriate bases, that the proposed amendment meets the three standards in 10 CFR 50.92 and, therefore, involves no significant hazards considerations.

The Commission has also provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the **Federal Register** on March 6, 1986 (51 FR 7744). The NRC staff has made a preliminary review of the licensee's submittal. A discussion of these examples as they relate to the proposed amendment follows.

One of the examples of actions involving no significant hazards consideration (ii) is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed change is similar to this example because it would add surveillance requirements for the ADS air system. These changes result from License Condition 2.C.(33)(g) which requires the licensee to install instrumentation to monitor ADS air system pressure and perform air system tests. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

NRC Project Director: Walter R. Butler.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: July 25, 1986 as revised by letter dated August 11, 1986.

Description of amendment request: The amendment would change License Condition 2.C.(33)(b), "Training During Low Power Testing (TMI Action Plan Item I.G.1)" to make it consistent with present staff requirements in NRC Generic Letter 83–24, "TMI Task Action Plan Item I.G.1, Special Low Power Testing and Training, Recommendations for BWRs."

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensee has provided an analysis of significant hazards considerations in its July 25, 1986 request for a license amendment as revised by letter dated August 11, 1986. The licensee has concluded, with appropriate bases, that the proposed amendment meets the three standards in 10 CFR 50.92 and, therefore, involves no significant hazards considerations.

The Commission has also provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the **Federal Register** on March 6, 1986 (51 FR 7744). The NRC staff has made a preliminary review of the licensee's submittal. A discussion of these examples as they relate to the proposed amendment follows.

One of the examples of actions involving no significant hazards consideration (vii) is a change to conform a license to changes in regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The requested change to License Condition 2.C.(33)(b) is similar to this example. Shortly after the TMI–2 accident, the NRC developed TMI-related requirements for new operating licenses (NUREG–0694, June 1980). One of these was TMI Task Action Plan Item I.G.1 which required applicants for operating licenses to define and commit to a special low power testing program to provide meaningful technical information beyond that obtained in the normal startup test program and to provide supplemental operator training. While special low power testing and training was developed for PWRs, a meaningful low power testing program has not been defined for BWRs. The BWR Owners Group recommended that BWR applicants meet the requirements of TMI Item I.G.1 by augmenting reactor operator participation in the initial test program and by some additional tests. (Letter from D.B. Waters to the NRC, dated February 4, 1981.) The staff took the position at that time that an acceptable means for meeting Item I.G.1 would be to meet the recommendations of the BWR Owners Group and, in addition, to perform a "simulated loss of all A–C power" (station blackout or SBO) test. The staff received commitments from each applicant for an operating license to conduct a station blackout test during the first fuel cycle, including the commitment for Grand Gulf Unit 1 by the licensee's letter dated August 18, 1981. This commitment provided the basis for License Condition 2.C.(33)(b) for Grand Gulf Unit 1.

Subsequently, the licensees for other BWRs indicated that a station blackout test would pose a hazard to plant equipment in that the drywell could undergo a severe temperature and humidity transient and potentially damage equipment in the drywell needed for normal operation although equipment needed to withstand a 4-hour station blackout could be expected to function. In consideration of these BWR licensees' findings, the staff concluded in Generic Letter 83–24 dated June 29, 1983 that if it can be demonstrated that temperature and/or other SBO conditions would adversely impact and pose a hazard to plant equipment, the BWR Owners' Group recommendations by themselves would constitute compliance with TMI Action Plan Item I.G.1.

By letter dated April 3, 1986, MP&L described procedures to be used for a station blackout and demonstrated that the SBO test would pose a hazard to plant equipment. Based on its review of the April 3, 1986 submittal, the staff agrees with the licensee that an SBO test could damage equipment in the drywell due to temperature levels above normal operation and concludes that sufficient justification was provided for not performing an SBO test at Grand Gulf Nuclear Station. The licensee's letter dated April 3, 1986 also committed to complete the testing recommended in the BWR Owners' Group letter dated February 4, 1981. By letters dated July 25 and August 11, 1986, the licensee requested that License Condition 2.C.(33)(b) be changed to require completion of the additional training and testing recommended by the BWR Owners Group as described in the licensee's April 3, 1986 letter.

Because the proposed license condition has been demonstrated to meet the staff's new requirements for TMI Action Plan Item 1.G.1 as given in Generic Letter 83–24, the change from the present license condition which contains superseded staff requirements, is similar to example (vii) of the Commission's examples of amendments considered not likely to involve a significant hazards consideration.

Accordingly, for the reasons cited above, the Commission proposes to determine that the proposed license condition change does not involve significant hazards considerations.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

NRC Project Director: Walter R. Butler.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: August 5, 1986.

Description of amendment request: The amendment would change the Technical Specifications by adding the Inadequate Core Cooling Instrumentation. Specifically added are the Heated Junction Thermocouples and Core Exit Thermocouples to Section 2.21. The Subcooled Margin Monitor is moved to Section 2.21 from Section 2.15. The surveillance requirements for these components are added to Table 3–3.

Basis for proposed no significant hazards consideration determination: Following the March 1979 accident at Three Mile Island, features have been added to nuclear power plants to enhance the ability of the operators to manage and monitor accidents and transients. The Inadequate Core Cooling Instrumentation system is one of these enhancements and serves to provide information to the plant operators relative to Reactor Coolant System inventory.

The staff has performed a preliminary review of the licensee's submittal and agrees that these changes will enhance the operator's ability to determine Reactor Coolant System inventory and provide additional information for the post-accident monitoring instrumentation that will assist in post-accident control. In effect, the addition of this new instrumentation in the technical specifications imposes more stringent controls and is representative of example (ii) in the list of examples of amendments that are considered not likely to involve significant hazards considerations cited in the **Federal Register** at 51 FR 7751.

The staff has also concluded that the proposed changes meet the criteria of 10 CFR 50.92. A discussion of the criteria follows:

(i) Involve any significant increases in the probability or consequences of an accident previously evaluated.

The Inadequate Core Cooling Instrumentation system is neither credited nor required in the mitigation of any previously evaluated accident and is not relied upon for reactor trip or initiation of any plant safety systems. Therefore, the proposed change does not affect the probability or consequences of any accident previously evaluated.

(ii) Create the possibility of a new or different kind of accident from any accident previously evaluated.

Although the Inadequate Core Cooling Instrumentation is utilized in the Emergency Operating Procedures for corroboration of selected indications, no change to operating procedures are involved, therefore, no new path is created that may lead to a new or different kind of accident. The proposed changes are intended solely to enhance the ability of the operator to manage accidents and transients by providing the operators with additional corroborative information.

(iii) Involve any reduction in the margin of safety.

The specific purpose of these changes is to enhance accident and transient monitoring capability. This will make it possible to operate within the margin of safety previously analyzed with a greater degree of confidence, and will not affect the magnitude of the safety margin in a positive or negative manner.

Based on the above, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, NW., Washington, DC 20036.

NRC Project Director: Ashok C. Thadani.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: August 19, 1986.

Description of amendment request: The amendment would change the Technical Specifications to implement the recommendations of NRC Generic Letter 84–13. Specifically, it would delete Tables 2.6(a) and 2.6(b) and the references to these Tables in the text. Sections 2, 3 and 5 of the Technical Specifications would be affected by this amendment.

Basis for proposed no significant hazards consideration determination: In May 1984, the Commission issued Generic Letter 84–13 regarding technical specifications for snubbers. This letter noted that numerous license amendments were required to add, delete or modify the snubber listing contained in the Technical Specifications. After reassessing the need to list snubbers in the Technical Specification; the Commission determined that this inclusion was unnecessary and licensees were given the option to change the Technical Specifications by deleting these Tables.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations. Example (i) relates to a change that is administrative in nature, intended to achieve consistency or correct an error. The proposed change is representative of Example (i) in that it eliminates Tables that may be inaccurate from time to time due to changes in the snubber listings. The change would also remove references to the Tables to maintain consistency throughout the specifications. In addition, clarity is increased by better delineating the snubbers that are within the scope of the specifications through description. The proposed change would exercise the option provided the licensee in Generic Letter 84–13 to delete the snubber listing Tables from the Technical Specifications.

The staff has also concluded that the proposed changes meet the criteria of 10 CFR 50.92. A discussion of the criteria follows:

(i) Involve any significant increase in the probability or consequences of an accident previously evaluated.

This change is administrative in nature and does not result in any changes to the design or functioning of the plant. Specifically, there are no modifications to the snubber design and functioning and there are no changes to the way in which the plant is controlled by the operators. Therefore, the proposed change does not affect the probability or consequences of any accident previously evaluated.

(ii) Create the possibility of a new or different kind of accident from any accident previously evaluated.

Since the change does not result in any plant modifications or operating procedures, no new path is created that may lead to a new or different kind of accident.

(iii) Involve any reduction in the margin of safety.

The specific purpose of the change is to reduce the need to submit frequent applications for amendments to maintain the snubber listing current in the Technical Specifications. This will not affect the magnitude of the safety margin in a positive or negative manner.

Based on the above, the Commission proposes to determine that the proposed amendment involves no significant hazards considerations.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, NW., Washington, DC 20036.

NRC Project Director: Ashok C. Thadani.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: June 25, 1986.

Description of amendment request: The proposed amendment would revise the Technical Specifications regarding the water level setpoint for closure of the Main Steam Isolation Valves (MSIVs). This setpoint would be changed from reactor low-low water level (Level 2, i.e. greater than or equal to 126.5 inches from top of active fuel) to reactor low-low-low water level (Level 1, i.e. greater than or equal to 18 inches from top of active fuel). Since the setpoint of water level instruments controlling the MSIVs also controls the main steam line drain valves and the reactor water sample line isolation valves, the setpoint for closure of these valves is also changed by the proposed amendment.

The proposed change would reduce the possibility of spurious MSIV closure due to variations in reactor water level. This, in turn, would increase plant availability, reduce challenges to the safety relief valves (with attendant suppression pool heatup), and simplify plant operation.

Basis for proposed no significant hazards consideration determination: In accordance with the Commission's Regulations in 10 CFR 50.92, the Commission has made a determination that the proposed amendment involves no significant hazards considerations. To make this determination the staff must establish that operation in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

All accidents or events previously evaluated in the Final Safety Analysis Report have been reevaluated using the proposed, revised water-level setpoint. These include abnormal operational transients, loss of coolant accidents and anticipated transients without scram (ATWS). In each case, reanalysis shows that the probability or consequence of the previously evaluated accident or event is not increased as a result of the proposed revision. Therefore, criterion (1) above is satisfied.

The reactor water-level setpoint is a safety feature which, through closure of the MSIVs, serves to mitigate the consequences of previously evaluated events. A change in this setpoint will not create the possibility of a new or different kind of accident from any previously evaluated since the change does not entail a hardware modification or any change in plant operating procedures, nor would the change in setpoint create a new accident sequence. Criterion (2) above is therefore satisfied.

The effects of the proposed setpoint change on operating parameters indicative of plant safety margin such as minimum critical power ratio and peak vessel pressure have been evaluated. Also evaluated were the effects on radiation release and shutdown capability during abnormal operational transients, fuel cladding integrity during a loss of coolant accident, and the reactor response during an ATWS event. These analyses have indicated that the proposed revision would not cause a reduction in safety margin. Furthermore, since the proposed revision would decrease the possibility of spurious MSIV closure due to variations in reactor water level, challenges to the safety relief valves and attendant suppression pool heatup would be reduced, resulting in an improved safety margin. Therefore, criterion (3) above is satisfied.

Because it has been established that plant operation in accordance with the proposed amendment would satisfy the three above stated criteria, the staff has, therefore, made a proposed determination that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Daniel R. Muller.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: June 4, 1986.

Description of amendment request: The proposed amendments to Browns Ferry Nuclear Plant (BFN) Unit Nos. 1, 2 and 3 Technical Specifications (TS) would be a general revision to the sections covering limiting conditions for operation and surveillance requirements for the Rod Worth Minimizer (RWM) and the Rod Sequence Control System (RSCS).

The RWM and RSCS are monitoring systems which ensure that the reactor operator adheres to a predetermined sequence of control rod withdrawals or insertions when the reactor is operating at low power levels. The rod withdrawal and insert sequence (insertions are made in a reverse order to withdrawals) is designed to limit the worth of any single control rod so that a postulated rod drop accident will not result in peak fuel enthalpies greater than 280 calories/gram.

These changes are proposed to make BFN TS consistent with Standard Technical Specifications (STS) (NUREG 0123) in the area of control rod pattern constraints under low power conditions. They include administrative changes; renumbering sections, correcting grammar and clarifications; changes to achieve consistency between units; and changes to adopt STS guidance. Specific changes involve:

1. Surveillance testing requirements for RWM and RSCS are being changed to require more suitable tests to ensure system operability. The proposed revision to sections 4.3.B.3.a and 4.3.B.3.b affects the startup and shutdown surveillance requirements for RSCS and RWM. These proposed requirements will demonstrate that each function of RSCS and RWM is operable prior to when that function is required to enforce rod movement constraints, hence ensuring system operability.

2. A limiting condition for operation (LCO) which serves no safety function is being deleted.

The proposed revision to what is currently section 3.3.B.3.b will delete a limiting condition for operation (LCO) which relates to the RSCS. This LCO currently requires that no control rod movement be allowed after testing RSCS restraints and before reaching the RSCS enforcing region, and that alignment of rod groups be done prior to performing surveillance tests. Deletion of the LCO is consistent with NRC guidance as found in the STS.

3. Actions required when RWM is inoperable are being clarified. The proposed revision to section 3.3.B.3.b clarifies the LCO with the RWM inoperable. This clarification is consistent with the wording found in the STS.

The proposed revision to what is currently section 3.3.B.3.d will change the LCO which applies when either both

RWM and RSCS are inoperable, or when RWM is inoperable and a second licensed operator is not available to verify that the RWM sequence is adhered to. Under the proposed LCO, allowing no control rod movement becomes an acceptable alternative to immediately actuating the manual scram or placing the reactor mode switch in the shutdown position.

In the event that all automatic constraints on control rod movement are lost, simply prohibiting subsequent control rod movement will ensure that rod patterns which result in high control rod worths cannot be generated, hence fulfilling the intended function of the RWM and the RSCS. This proposed LCO is consistent with NRC guidance as found in the STS.

4. The action required when sufficient rod pattern controls are not operable is being changed to an action which is more appropriate for the conditions.

The proposed revision to section 3.3.B.3.a of the unit 2 TS will allow suspension of RSCS constraints for individual rods to allow special criticality testing and scram timing, provided that the RWM remains operable. This is consistent with the LCO for units 1 and 3, and ensures that an automatic constraint on control rod patterns remains in place at low power conditions when RSCS constraints are reduced. The scram timing provision is already allowed by Technical Specification 4.3.C.1 and the criticality test provision is supported by the safety evaluation report for Amendment No. 76 to the BFN unit 1 TS. The proposed amendment to BFN unit 2 TS would also add a provision for bypassing RSCS constraints for individual control rods for the purpose of certain tests.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee's determination for each of the four items above is as follows:

1. The proposed revisions to the surveillance requirements will adopt the Standard Technical Specification testing requirements. Because the actual system functions remain unchanged and the operability and testing requirements are consistent with NRC guidance, there is no increase in the consequences of the previously analyzed rod drop accident. These revisions do not create the possibility of an accident or malfunction of any different type, since the system will have the same function as before and the worst case accident under these conditions has been analyzed. There is no reduction in the margin of safety as defined in the basis of the TS since the RWM and RSCS will still restrict peak fuel pellet enthalpy to less than 280 calories/gram in the event of a rod drop accident.

2. The LCO being deleted required that no rod movement be permitted after testing RSCS restraints while shutting down and before reaching the RSCS enforcing region. This is not consistent with the proposed testing requirements, since they will test RSCS restraints after the enforcing region is reached. Because all restraints necessary for RSCS to perform its function are unchanged, the probability or consequences of any previously analyzed accident is not increased. Plant procedure in shutting down will not be changed in that RSCS restraints will control rod movement when required, so that no unanalyzed accident possibility is introduced. Finally, since RSCS system operation is unchanged, no margin to safety as defined in the bases for the TS is reduced.

3. The actions required when RWM is inoperable are being reworded to make clear when a second person verification may substitute for RWM control. This is unchanged in intent from the current LCO and so does not increase the probability or consequences of any previously analyzed accident. Since no change in plant configuration or procedure will occur, no unanalyzed accident condition is introduced. Because RWM functions are not being changed, no margin to safety as described in the bases of the TS is reduced.

4. The action required when sufficient rod pattern controls are not present is being changed to allow complete suspension of rod movement as an acceptable alternative to immediately shutting down the reactor. This change will not affect the probability or consequences of any previously analyzed accident. By not allowing rod movement after rod pattern controls are lost, no rod pattern may be generated which results in any new, unanalyzed accident. Finally, since no unanalyzed situation may develop, no margin to safety as described in the basis for the TS is reduced.

Based on these findings, the licensee proposed to determine that this license amendment request involves no significant hazards consideration.

The staff reviewed the licensee's determination and finds that it meets the Commission standards and it is acceptable. Therefore the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H.S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Project Director: Daniel R. Muller.

Washington Public Power Supply System, Docket No. 50-397, WNP-2, Richland, Washington

Date of amendment request: March 14, 1986.

Description of amendment request: This proposed amendment, if approved, would revise the WNP-2 Technical Specifications by modifying the table notations of Table 4.3.7.5-1, Accident Monitoring Instrumentation Surveillance Requirements. License Condition 16, Attachment 2, item 3(a), as amended, of the WNP-2 operating License requires that the licensee shall implement (installation or upgrade) requirements of Regulatory Guide 1.97, Revision 2 with the exception of flux monitoring and wide range suppression pool monitoring prior to startup following the first refueling outage. As a result, during the Spring 1986 outage the licensee replaced, in total, the original hydrogen-oxygen (H2-O2) analyzer with a qualified replacement. The replacement system is designed so that precise sample gas concentrations as described in the present Technical Specifications are not necessary to ensure coverage of the required instrument range. Accordingly reference to precise sample gas concentrations should be removed from the Technical Specifications. The new H2-O2 monitoring system has a micro-processor that automatically compensates for containment pressure and temperature and is used to calibrate the H2-O2 monitoring system. An actual Technical Specification restraint is no longer required on the calibration gas concentrations since changes in H2 or O2 calibration gas concentrations are entered into the micro-processor and directly compared to the compensated output signals of the H2 and O2 sensors during calibrations.

The new system represents a marked improvement over the originally installed system. The sample points and return lines have been relocated so as to eliminate sample return problems and increase the accuracy and confidence of results. Remote calibration at any time is a new feature and an improvement over the original system. Additionally, the new system utilizes hydrogen/argon calibration gases instead of the more flammable hydrogen/nitrogen calibration gases used by the original system.

In summary the micro-processor used with the new system eliminates the need for precise gas concentrations, provides greater flexibility, and with the design features discussed above, provides a significant improvement in system operability and overall safety.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operating of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined, and the staff agrees, that the requested amendment per 10 CFR 50.92 does not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated because deletion of a precisely specified gas concentration does not diminish the capability of the H2–02 analyzers (Exosensor) to measure the concentrations over the required instrument range; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated because no function or feature of the original system will be lost by calibrating the new system without the precise gas concentrations specified in the Technical Specifications; or (3) involve a significant reduction in a margin of safety because the new system without precisely specified gas concentrations has the same capabilities as the originally installed system.

Based on our review of the proposed modification, the staff finds that there exists reasonable assurance that this proposed change will have little or no impact on the public health and safety. Accordingly, the Commission proposes to determine that the requested change to the WNP–2 Operating License involves no significant hazards considerations.

Local Public Document Room Location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire; Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW, Washington, DC 20036.

NRC Project Director: E. Adensam.

Washington Public Power Supply System, Docket No. 50–397, WNP–2, Richland, Washington

Date of amendment request: April 8, 1988.

Description of amendment request: This proposed amendment, if approved, would revise the WNP–2 Technical Specifications by modifying Section 3.3.7.8, 4.3.7.8, 4.7.2, index pages vi and xiii and Bases 3/4.3.7.8. Chlorine gas is no longer stored in the immediate plant site area. As a result, the threat to control room habitability due to chlorine gas leakage has been eliminated and this change requests the deletion from the Technical Specifications of the references to the chlorine detection system.

As discussed in the WNP–2 Final Safety Analysis Report, Section 6.4.4.2, chlorine gas was previously stored on site for use in chemical treatment of circulating water. Analysis of the quantity and location of the stored chlorine relative to the control room per Regulatory Guide 1.95, Revision 1 "Protection of Nuclear Power Plant Control Room Operators Against An Accidental Chlorine Release", indicated that the WNP–2 control room design should meet the guidance for a Class III type control room. Accordingly, redundant quick response chlorine detectors providing automatic control room isolation were incorporated to ensure control room habitability following a chlorine release on site. The licensee has recently changed the circulating water treatment system to a system using sodium hypochlorite. As a result, chlorine gas is no longer needed and its storage on the WNP–2 site has been eliminated; therefore, the WNP–2 chlorine detection system also is no longer needed to ensure control room habitability.

Furthermore, Regulatory Guide 1.78 "Assumptions for Evaluating the Habitability of a Nuclear Power Plant Control Room During A Postulated Hazardous Chemical Release" uses, as a threshold for evaluation due to transportation, a frequency of 10 to 30 shipments of chlorine gas cylinders per year for truck and rail, respectively, on transportation routes within five miles of the site. It is estimated that truck shipments on such routes are four per year. There has been no rail shipment since June 1983, and none is anticipated in the future. Thus transportation of chlorine gas in the immediate vicinity does not pose a significant threat to control room habitability.

Other areas within a five mile radius of the control room in which chlorine might be stored are the WNP–1 and Fast Flux Test Facility sites. Neither of these facilities uses nor stores significant quantities of chlorine gas; consequently chlorine at these sites does not represent a threat to the habitability of the WNP–2 control room.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined, and the staff agrees, that the requested amendment per 10 CFR 50.92 does not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the possibility of the accident for which the monitors were required has been eliminated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated because no new systems or procedures are introduced and presently installed systems and procedures will not be affected by removal of the monitors; or (3) involve a significant reduction in a margin of safety because the removal of stored chlorine gas from the site will actually improve the safety margin by eliminating the possibility of chlorine gas release.

Based on our review of the proposed modification, the staff finds that there exists reasonable assurance that this proposed change will have little or no impact on the public health and safety. Accordingly, the Commission proposes to determine that the requested change to the WNP–2 Operating License involves no significant hazards considerations.

Local Public Document Room Location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire; Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW, Washington, DC 20036.

NRC Project Director: E. Adensam.

Washington Public Power Supply System, Docket No. 50–397, WNP–2, Richland, Washington

Date of amendment request: July 10, 1986.

Description of amendment request: This proposed amendment, if approved, would revise the WNP–2 Technical Specifications by modifying Section 3.4.2 and its Basis, Section 3/4.4.2, both of which relate to the Safety/Relief Valves setpoint accuracy capabilities.

Specifically the Limiting Condition for Operation of the WNP–2 Technical Specifications and the BWR/5 Standard Technical Specifications currently require the reactor coolant system Safety/Relief Valve (SRV) tolerance to be within plus or minus 1% of the setpoint. The Supply System has prepared a technical position to support revising the tolerance to +1%/−3% based on the results of a General Electric Company reanalysis. By their inherent design, the WNP–2 SRV's, CROSBY model 6XRX10 HB–65–BP, have a setpoint opening scatter band range of 4%. This band range was measured during qualification testing of the valves, and it is the recommended setpoint tolerance provided by the vendor for on-line service set pressure verification testing. The proposed +1% and −3% tolerance is a more appropriate apportionment of this 4% scatter band. The +1% high tolerance limit is required by the ASME Code. The +1% limit of the revised tolerances adheres to this requirement; therefore the proposed tolerance maintains the same margin of safety for overpressure protection as before.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined, and the staff agrees, that the requested amendment per 10 CFR 50.92 does not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the reactor pressure vessel overpressure limit as previously analyzed is maintained and the safety relief valves will be maintained within the allowable limits of the design; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated because existing pressure relief capacity has not been reduced, no new accident is postulated and the SRV's associated piping and hardware are maintained within the allowable limits of the design; or (3) involve a significant reduction in a margin of safety because the ability of the SRV's to limit reactor pressure is maintained in accordance with design requirements as analyzed in the overpressure protection analysis.

Based on our review of the proposed modification, the staff finds that there exists reasonable assurance that this proposed change will have little or no impact on the public health and safety. Accordingly, the Commission proposes to determine that the requested change to the WNP–2 Operating License involves no significant hazards considerations.

Local Public Document Room Location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire; Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW, Washington, DC 20036.

NRC Project Director: E. Adensam.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: August 1, 1986.

Description of amendment request: The amendment corrects typographical errors, deletes obsolete references and replaces them with current ones, and reinserts a requirement that was inadvertently deleted by a previous amendment.

Basis for proposed no significant hazards consideration determination: The proposed changes make minor corrections to existing Technical Specifications. They do not add or remove any requirements to the existing Technical Specifications. Therefore, the proposed changes maintain the intent of the existing Technical Specifications. Since the intent of the Technical Specifications remains unchanged, these changes are administrative. The Commission has provided guidance for the application of the standards in 10 CFR 50.92 by providing certain examples (51 FR 7751) of actions likely to involve no significant hazards consideration. An example of an action involving no significant hazards consideration is a change that relates to "(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." Since the application for amendment involves proposed changes that are similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Attorney for licensee: Steven E. Keane, Esquire, Foley and Lardner, 777 E. Wisconsin Avenue, Milwaukee, Wisconsin 53202.

NRC Project Directorate: George E. Lear.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this bi-weekly notice. They are repeated here because the bi-weekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Duke Power Company, Dockets Nos. 50–269, 50–270 and 50–287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County, South Carolina

Date of amendment request: August 13, 1986.

Brief description of amendment: The proposed amendments would revise the Station's common Technical Specifications (TSs) to maintain consistency between Appendix J and the TSs. The licensee is also requesting an exemption from 10 CFR Part 50, Appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors", paragraph III.A.3. In 1973, Appendix J was issued to establish requirements for primary containment leakage testing

and incorporated, by reference, ANSI N45.4–1972, "Leakage Rate Testing of Containment Structures for Nuclear Reactors." This Standard requires that containment leakage calculations be performed by using either the point-to-point method or the total time method. The total time method was used most by the nuclear industry until about 1976. As noted in N45.4, the point-to-point method is suited to uninsulated containments where atmospheric stability is affected by outside diurnal changes, while the total time method is appropriate for insulated containments that are relatively unaffected by diurnal changes. In 1976, an article (reference: "Containment Leak Rate Testing: Why the Mass-Plot Analysis Method is Preferred," Power Engineering, February 1976) was written which compared the results of test analyses that were performed using point-to-point, total time, and mass-plot techniques. Subsequently, the mass-plot method received the Commission's endorsement and became the Commission-recommended method to use. A revision to the Standard (reference: ANSI/ANS 56.8–1981, "Containment System Leakage Testing") specifies the use of mass-plot, to the exclusion of the two older methods. Licensees who wish to use mass-plot must submit an application for exemption from the Appendix J requirement that containment integrated leak rate tests will conform to N45.4.

Date of publication of individual notice in **Federal Register:** August 27, 1986 (51 FR 30591).

Expiration date of individual notice: September 26, 1986.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated.

All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Commonwealth Edison Company, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: November 1, 1982.

Brief description of amendments: These amendments change the drywell oxygen concentration upper limit from five percent by weight to four percent by volume.

Date of issuance: August 15, 1986.

Effective date: August 15, 1986.

Amendment Nos.: 96, 92.

Facility Operating License Nos. DPR–29 and DPR–30. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43132). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 15, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Moline Public Library, 504 17th Street, Moline, Illinois 61265.

Consumers Power Company Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: March 17, 1986.

Brief description of amendment: The amendment changes the Technical Specifications for heat-up and cool-down and hydrostatic test of the reactor vessel by raising the pressure-temperature limits. The amendment also extends the limits from 6.6 effective full power years to approximately 9.0 EFPY.

Date of issuance: August 21, 1986.

Effective date: August 21, 1986.

Amendment No.: 97.

Provisional Operating License No. DPR–20. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 7, 1986 (51 FR 16919 at 16925). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 21, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: March 20, 1986, as supplemented May 23, June 4, July 10, and August 5, 1986.

Brief description of amendments: The amendments authorize use of Transnuclear, Inc., multielement spent fuel shipping casks TN–B or TN–8L for receipt of irradiated Oconee fuel at McGuire.

Date of Issuance: August 29, 1986.

Effective date: August 29, 1986.

Amendment Nos.: 61 and 42.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the licenses.

Date of initial notice in **Federal Register:** May 29, 1986 (51 FR 19428). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 29, 1986 and in an Environmental Assessment dated August 22, 1986 (51 FR 30593).

No significant hazards consideration comments received: No

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Duke Power Company, Dockets Nos. 50-269, 50-270 and 50-287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County, South Carolina

Date of application for amendments: September 17, 1985, as supplemented on March 25, 1986.

Brief description of amendments: These amendments revise the Station's common Technical Specifications (TSs) to include independent testing of the shunt and undervoltage trip attachments and silicon controlled rectifiers. These amendments are in response to Generic Letter 85-10, dated May 23, 1985, and the NRC letter to the Babcock and Wilcox Owner's Group, dated December 6, 1985.

Date of issuance: August 20, 1986.

Effective date: August 20, 1986.

Amendments Nos.: 148, 148, and 145.

Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 20, 1985 (50 FR 47861). Since the initial notice, the licensee supplemented the appliation by a March 25, 1986 letter. This letter submitted additional TS pages associated with the control rod drive mechanisms and editorially corrected Table 4.1-1 as submitted on September 17, 1985. The March 25, 1986 submittal does not affect the initial no significant hazards determination or the substance of the amendments. Therefore, renoticing of the proposed amendments was not warranted.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 20, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691.

Duke Power Company, Dockets Nos. 50-269, 50-270 and 50-287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County, South Carolina

Date of application for amendments: February 13, 1984.

Brief description of amendments: These amendments revise the Station's common Technical Specifications (TSs) to incorporate fire hose stations (located in the three Oconee reactor buildings) into the limiting conditions for operation and surveillance requirements addressing the fire protection and detection systems. Other changes requested in the licensee's February 13, 1984 application have been handled separately.

Date of issuance: August 20, 1986.

Effective date: August 20, 1986.

Amendments Nos.: 149, 149 and 146.

Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 5R 17858). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 20, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691.

Duke Power Company, Dockets Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Units Nos. 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: September 24, 1985.

Brief description of amendments: These amendments revise the TSs to delete the reference to the enrichment requirement of 3.5 percent uranium-235 in TS 5.3.1.4. The amendments also correct two typographical errors. In Section 5.3.1.2, the active fuel assembly height is changed from 144 to 142 inches. On page 5.3-1, in Reference 2, Table 4.3.1 is changed to 4.3-1 (the period to a hyphen).

Date of issuance: August 27, 1986.

Effective date: August 27, 1986.

Amendment Nos.: 150, 150 and 147.

Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register.** November 20, 1985 (50 FR 47861). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 27, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: January 30, 1986, as supplemented July 30, 1986.

Brief description of amendments: These amendments will revise the Technical Specifications to provide administrative control of the non-safety related Standby Feedwater System. These controls will provide assurance that the system will be available during plant operations.

Date of issuance: August 13, 1986.

Effective date: August 13, 1986.

Amendment Nos. 118 and 112.

Facility Operating Licenses Nos. DPR-31 and DPR-41: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 9, 1986 (51 FR 12228).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 13, 1986.

No significant hazards consideration comments received: No

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Iowa Electric Light and Power Company, Docket No. 50-311, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: February 7, 1986.

Brief Description of amendment: The amendment revises the Technical Specifications to incorporate restrictions related to a radiation monitor installed in the ventilation exhaust stack of the Low-Level Radwaste Processing and Storage Facility constructed at the Duane Arnold Energy Center.

Date of issuance: August 26, 1986.

Effective date: August 26, 1986.

Amendment No.: 135.

Facility Operating License No. DPR-49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 26, 1986 (51 FR 10462).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 26, 1986.

No significant hazards consideration comments received: No

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: May 6, 1985 as revised and supplemented by letters dated July 29, August 15, August 30, September 11, September 12, November 1, and December 18, 1985; and March 14, March 15, June 5, June 9, and July 25, 1986.

Brief description of amendment: This amendment revised Technical Specifications Section 5.6, "Fuel Storage," to allow increased upper

containment pool capacity and increased spent fuel storage pool capacity. This amendment also revised Specification 3/4.7.9, "Spent Fuel Storage Pool Temperature," to limit the pool temperature to 140 °F and require plant shutdown if pool temperature cannot be maintained below this limit.

Date of issuance: August 18, 1986.

Effective date: August 18, 1986.

Amendment No.: 17.

Facility Operating License No. NPF-29. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** (51 FR 26078) July 18, 1986.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 18, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: May 19, 1986 as supplemented by letters dated July 25 and July 29, 1986.

Brief description of amendment: This amendment adds an under voltage protection device for the Division 3 diesel generator, changes License Condition 2.C.(20) and the TSs to allow modifications to be made to the standby service water system, clarifies the TSs regarding breaker response time for the end-of-life recirculation pump trip system, and changes the test loads for the batteries. Changes to License Condition 2.C.(20) and Technical Specification Pages 1-3, 3/4 3-42, 3/4 7-2 and B 3/4 3-3 are effective upon issuance of this amendment. Changes to Technical Specification Pages 3/4 3-29, 3/4 3-32a, 3/4 3-35, 3/4 8-6 and 3/4 8-12 are effective when the equipment necessitating the changes on those pages is installed and operable. For those changes to the Technical Specifications that are not effective upon issuance, the licensee is requested to inform the NRR by letter of their effective dates within 30 days of the date the equipment is made operable.

Date of issuance: August 27, 1986.

Effective date: August 27, 1986.

Amendment No. 18.

Facility Operating License No. NPF-29. This amendment revised the Technical Specifications and the License.

Date of initial notice in **Federal Register:** June 18, 1986 (51 FR 22239).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 27, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Pacific Gas and Electric Company, Docket No. 50-133, Humboldt Bay Power Plant, Unit No. 3, Eureka, California

Date of application for amendment: May 16, 1986.

Brief description of amendment: This amendment revised the Technical Specifications to: (1) upgrade requirements for the stack gas monitoring system, and (2) reduce the required number of condensate demineralizer beds to allow one of the beds to be used as a spent fuel pool demineralizer.

Date of Issuance: August 26, 1986.

Effective Date: August 26, 1986.

Amendment No.: 21.

Facility Operating License No. DPR-7. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 18, 1986 at 51 FR 22241.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 26, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Eureka-Humboldt County Library, 421 I Street (County Court House), Eureka, California 95501.

Pennsylvania Power and Light Company Docket No. 50-388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of application for amendment: April 4, 1986.

Brief description of amendment: This amendment changes the Susquehanna Unit 2 Technical Specifications in order to support plant modifications which will improve the containment isolation function and the testability of the Feedwater system. This change replaces the two Reactor Water Clean-up (RWCU) Return Manual isolation valves with two new valves. The valves being replaced (HV-244F042 and HV-244F104) are not being removed from the plant, but they will no longer serve as containment isolation valves. These valves are a significant contributor to leakage during local penetration testing due to their other function, throttling valve for the RWCU system operation. The new valves (HV-24182A&B) will assume the containment isolation function, and the existing RWCU valves will continue to serve as throttling valves for the RWCU system.

Date of issuance: August 27, 1986.

Effective date: Start-up following the Unit 2 first refueling outage.

Amendment No.: 28.

Facility Operating License No. NPF-22: Amendment revised the Technical Specifications.

Dates of initial notice in **Federal Register:** May 21, 1986 (51 FR 18692).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 27, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Power Authority of the State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: July 1, 1985 and supplemented March 10, 1986.

Brief description of amendment: The amendment revises the Technical Specifications to incorporate changes related to the Low Temperature Overpressure Protection System (LTOPS). Section 3.1 of the Technical Specifications has been expanded to include the requirements necessary to allow startup of a Reactor Coolant Pump under various operating conditions. Section 3.3 has been expanded to address overpressure protection system considerations related to safety injection pumps. Other sections have been revised to reflect these changes.

Date of issuance: August 18, 1986.

Effective date: August 18, 1986.

Amendment No.: 67.

Facilities Operating License No. DPR-64: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 14, 1985 (50 FR 32801) and April 23, 1986 (51 FR 15401).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 28, 1984 and August 18, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Rochester Gas and Electric Corporation, Docket No. 50-244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: February 12, 1986.

Brief description of amendment: This amendment deletes a Technical Specification operability requirement for smoke detection instrumentation for a fire detection zone that is being removed due to a plant modification.

Date of issuance: August 18, 1986.

Effective date: August 18, 1986.

Amendment No.: 18.

Facility Operating License No. DPR-18: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 9, 1986 (51 FR 12238).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 18, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of application for amendments: February 12, 1986.

Brief description of amendments: The amendments revise the Technical Specifications to clarify the limiting conditions for operation regarding seismic restraints, supports and snubbers.

Date of issuance: August 19, 1986.

Effective date: August 19, 1986 to be implemented within 90 days.

Amendments Nos.: 129, 124, 100.

Facility Operating Licenses Nos. DPR-33, DPR-52 and DPR-68: Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** June 18, 1986 (51 FR 22244).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 19, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Tennessee Valley Authority, Docket No. 50-260 Browns Ferry Nuclear Plant, Unit 2, Limestone County, Alabama

Date of application for amendment: August 23, 1984 (TVA BFNP TS-199), as supplemented September 4 and November 13, 1984, April 3, May 8, June 27, November 20 and December 30, 1985 and April 29, 1986.

Brief description of amendment: The amendment revises the Technical Specifications (TS) of the operating license to: (1) modify the core physics, thermal and hydraulic limits to be consistent with the reanalyses associated with replacing about one-third of the core during the Cycle 6 core reload outage and (2) reflect changes in various specifications as a result of plant modifications performed during the outage. In addition, TVA has updated the TS pages involved and made administrative corrections.

Date of issuance: August 19, 1986.

Effective date: August 19, 1986 to be implemented within 90 days.

Amendment No.: 125.

Facility Operating License No. DPR-52: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 18, 1986 (51 FR 22243).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 19, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: June 6, 1986, as supplemented July 30, 1986.

Brief description of amendment: The amendment modifies Surveillance Requirement 4.4.10.1.b to permit a one-time extension of the surveillance interval for the reactor vessel intervals vent valves from 18 months (plus an allowable extension of 25 percent) to until the reactor vessel head is removed or until the refueling following Cycle 5 operation. Although no specific date is included in the TSs by when the surveillance must be done, it is understood that testing of these valves will be done approximately no later than March 1988. Thus, the surveillance interval will have been extended to approximately 42 months maximum.

Date of issuance: August 20, 1986.

Effective date: August 20, 1986.

Amendment No.: 95.

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 2, 1986 (51 FR 24265).

Since the initial notice, the licensee submitted a supplement dated July 30, 1986, which responded to the Commission's request for additional information. This information did not change the original application in any way, and therefore did not warrant renoticing. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 20, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: December 19, 1985.

Brief description of amendments: The amendments revise the NA-1 TS which address the Emergency Diesel Generators (EDG) and are consistent with the NRC recommendations of Generic Letter 84-15, "Proposed Staff Actions To Improve and Maintain Diesel Generator Reliability. Also, the recently issued NA-2 TS which address Generic Letter 84-15 have been revised to correct several typographical errors and an inconsistency in the use of a defined term. These changes for NA-2 are administrative in nature.

Date of issuance: August 22, 1986.

Effective date: August 22, 1986.

Amendment Nos.: 83 and 70.

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 23, 1986 (51 FR 15412). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 22, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Yankee Atomic Electric Company, Docket No. 50-029, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of application for amendment: January 6, 1986.

Brief description of amendment: The amendment modifies the Technical Specifications to extend by 30 days the schedule for submittal of supplemental information to the semiannual radioactive effluent release report

required to be submitted after January 1 of each year.

Date of issuance: August 20, 1986.

Effective date: August 20, 1986.

Amendment No.: 98.

Facility Operating License No. DPR-3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 29, 1986 (51 FR 3722). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 20, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Notice of Issuance of Amendment to Facility Operating License and Final Determination of No Significant Hazards Consideration and Opportunity for Hearing (Exigent or Emergency Circumstances)

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By October 10, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of

the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Project Director):* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Detroit Edison Company, Docket No. 50–341, Fermi-2, Monroe County, Michigan

Date of applications for amendment: July 2, 1986, and supplemented July 15, July 24, July 30, and July 31, 1986.

Brief Description of amendment: This amendment revises the Fermi-2 Technical Specifications to change the values of the Division I degraded grid relay setpoints and the associated time delay. This change is reflected in Table 3.3.3–1. Basically, the affected relay setpoints have been increased from 89 to 95 percent of the nominal voltages. The time delay has been increased from 19.7 to 44.0 seconds.

Date of issuance: August 22, 1986.

Effective date: August 1, 1986.

Amendment No.: 4.

Facility Operating License No. NPF–43: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No. The Commission's related evaluation of the amendment and final No Significant Hazards Conditions Determination are contained in a Safety Evaluation dated August 22, 1986.

Attorney for licensee: John Flynn, Esquire, 2000 Second Avenue, Detroit, Michigan 48226.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendment: May 15, 1986, as supplemented May 23, June 6 and 30, and August 4 and 12, 1986.

Brief description of amendment: The amendments change the Technical Specifications to reflect the third of several refueling stages involved in the continuing transition to the use of optimized fuel assemblies in Unit 1. Changes for both units provide for a more positive moderator temperature coefficient and fuel assembly changes associated with protection from baffle jetting. (The supplemented information submitted on August 12, 1986 did not change the proposed amendment described in the **Federal Register** notice published August 7, 1986.)

Date of Issuance: August 22, 1986.

Effective Date: August 22, 1986.

Amendment Nos.: 60 and 41.

Facility Operating License Nos. NPF–9 and NPF–17: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes. 51 FR 23484 dated June 27, 1986, and 51 FR 28463 dated August 7, 1986.

Comments received: No.

The Commission's related evaluation is contained in a Safety Evaluation dated August 22, 1986.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Bethesda, Maryland, this 4th day of September, 1986.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Acting Director, Division of PWR Licensing-A.

[FR Doc. 86–20290 Filed 9–9–86; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

Philadelphia Electric Co.; (Limerick Generating Station, Units 1 and 2)

[Docket Nos. 50–352–OL, 50–353–OL]

September 4, 1986.

Atomic Safety and Licensing Board Before Administrative Judges: Helen F. Hoyt, Chairperson, Dr. Richard F. Cole, Dr. Jerry Harbour.

Order

On September 3, 1986, a conference call was conducted by the Board with Counsel for Licensee, Counsel for Graterford prisoners, Counsel for Pennsylvania Department of Corrections, Counsel for PEMA and Counsel for NRC Staff to set the procedures for hearing the remanded issue in ALAB–845.

Parties were advised that September 22, 1986 at Philadelphia is the date established for hearing on the remanded issue; that no pre-filed testimony would be ordered but that witness lists would be exchanged no later than September 12, 1986; that the Board considered that discovery should begin immediately; and that the location of the hearing would be the Conference Room, Independence Terrace, Room 7B, Holiday Inn Midtown, 1305 Walnut Street, Philadelphia, Pennsylvania 19107.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland, this 4th day of September 1986.

[FR Doc. 86–20373 Filed 9–9–86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 35-24183]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

September 4, 1986.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 29, 1986 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit, or in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

UtiliCorp United Inc. (31-818)

UtiliCorp United Inc. ("UtiliCorp"), 922 Walnut Street, Kansas City, Missouri 64199-3287, has filed an application pursuant to section 3(b) of the Act for an order declaring that West Kootenary Power and Light Company, Limited ("WKP"), Waneta Plaza, 8100 Rock Island Highway, Trail, British Columbia, Canada, will not be a subsidiary of UtiliCorp, for purposes of the Act, following UtiliCorp's acquisition of WKP.

UtiliCorp is a Missouri corporation primarily engaged in the sale and distribution of gas and electricity to retail and wholesale customers. UtiliCorp has signed a letter of intent to purchase 100% of the shares of WKP, a Canadian corporation engaged in the generation and transmission of electricity to Canadian wholesale and retail customers. Following the purchase, WKP will be a wholly owned subsidiary of UtiliCorp.

Neither WKP nor UtiliCorp (or any corporation which UtiliCorp owns or controls) presently is a "holding company" or a "subsidiary company" of a holding company under the Act. WKP operates exclusively in Canada and derives substantially all its income from Canadian sales of electricity. WKP is not qualified to do business in any state of the United States, and it owns no securities of any other public utility or holding company in the United States or Canada.

UtiliCorp asserts that because the operations of WKP are exclusively Canadian, the sales and revenues of the company, as regulated by applicable law, have little or no effect upon electric generation and sales within the United States. Under Canadian law, a majority of the Board of Directors of WKP must be Candian citizens. In addition, WKP is subject to dissolution by the Lieutenant Governor General of British Columbia upon the violation of any order of that authority. For these reasons, UtiliCorp asserts that United States regulation of WKP as the subsidiary of a holding company is not necessary for the public interest or for the protection of investors. In addition, UtiliCorp asserts that if WKP is granted an exemption pursuant to section 3(b) of the Act, then UtiliCorp, as the owner of all of the common shares of WKP, would be entitled to the exemption provided by Rule 10(a)(1) under the Act.

For the Commission, by the Division of Investment, Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-20346 Filed 9-9-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

September 5, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

American President Companies, Ltd.
Common Stock, $.01 Par Value (File No. 7-9125)

Bernard Chaus, Inc.
Common Stock, Par Value $.01 (File No. 7-9126)

Consolidated Stores Corp.
Common Stock, $.01 Par Value (File No. 7-9127)

Norsk Hydro A.S.
American Depository Shares (File No. 7-9128)

Regional Financial Shares Investment Fund, Inc.
Common Stock, $.001 Par Value (File No. 7-9129)

AFG Industries, Inc.
Common Stock, $1.00 Par Value (File No. 7-9130)

NBD Bancorp, Inc.
Common Stock, $.250 Par Value (File No. 7-9131)

Radice Corp.
Common Stock, No Par Value (File No. 7-9132)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 26, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-20384 Filed 9-9-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

September 5, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Kaufman & Broad Home Corp.
Common Stock, $1.00 Par Value (File No. 7-9133)

Leslie Pay Companies, Inc.
Common Stock, $1.00 Par Value (File No. 7–9134)
DCNY Corp.
Common Stock, $0.50 Par Value (File No. 7–9135)
USF & G Corp.
$4.10 Series A Convertible Exchangeable Preferred Stock (File No. 7–9136)
Clabir Corporation
Class A Common Stock, $0.10 Par Value (File No. 7–9137)
NL Industries, Inc.
Series C Depository Receipts (File No. 7–9138)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 26, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86–20385 Filed 9–9–86; 8:45 am]

BILLING CODE 8010-01-M

VETERANS ADMINISTRATION

Advisory Committee on Women Veterans; Meeting

The Veterans Administration gives notice under Pub. L. 92–463 that a meeting of the Advisory Committee on Women Veterans will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC on September 22 through September 23, 1986. The purpose of the Advisory Committee on Women Veterans is to advise the Administrator regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach and other programs administered by the Veterans Administration; and the activities of the Veterans Administration designed to meet such needs. The Committee will make recommendations to the Administrator regarding such activities.

The sessions will convene at 8:50 a.m. on September 22, 1986, and 9:00 a.m. on September 23, 1986. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Brandau, Program Assistant, Medical Service, Veterans Administration Central Office (phone 202/389–2450) prior to September 17, 1986.

Dated: September 2, 1986.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 86–20323 Filed 9–9–86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 175
Wednesday, September 10, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, September 10, 1986.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. General Policy Statement

The Commission will consider a proposed Statement of General Policy concerning the structure and workings of the Commission staff and the flow of information within the Agency.

2. Commission Structure

The Commission will consider certain Agency structural realignments initiated by the Chairman.

3. Swimming Pool Covers: Options

The staff will brief the Commission on possible options for follow up activities on swimming pool covers.

4. LP Gas Check Program Statement: Options

The Commission will consider options on ways to support the National LP Gas Association's Gas Check Program.

*The Commission by majority vote decided that agency business required the waiving of the normal advance notice.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

September 5, 1986.

[FR Doc. 86-20460 Filed 9-8-86; 1:53 pm]

BILLING CODE 6355-01-M

2

INTER-AMERICAN FOUNDATION

TIME AND DATE:

September 22, 1986
6:00-9:00 p.m.
September 23, 1986
9:00 a.m.-12:00 noon

PLACE: 1515 Wilson Boulevard, Fifth Floor, Rosslyn, Virginia 22209.

STATUS: Open except for the portion to be held as Closed Session to discuss Personnel matters as defined in § 1004.4(b) of 22 CFR Chapter 10.

MATTERS TO BE CONSIDERED:

September 22, 1986

1. The Chairman's Report
2. The President's Report
3. Approval of the Minutes of the Meeting of December 9-10, 1985
4. Closed Session to Discuss Personnel Matters as Defined in Section 1004.4(b) of 22 CFR Chapter 10

September 23, 1986

5. Report of the Committees of the Board
6. Other Business

CONTACT PERSONS FOR MORE INFORMATION: Charles M. Berk, Secretary of the Board of Directors (703) 841-3812.

Dated: September 5, 1986.

Charles M. Berk,

Sunshine Act Officer.

[FR Doc. 86-20409 Filed 9-8-86; 10:25 am]

BILLING CODE 7025-01-M

3

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of September 8, 15, 22, and 29, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of September 8

Wednesday, September 10

9:30 a.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

Thursday, September 11

10:00 a.m.
Briefing on International Nuclear Safety Conventions (Closed—Ex. 1)
2:00 p.m.
Meeting with the Advisory Committee on Reactor Safeguards on Standardization Policy Statement (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Promulgation of Final Fee Rule Required by the Consolidated Omnibus Budget Reconciliation Act of 1986
b. Request for Hearing on Shearon Harris Exemption Request
c. Shoreham Intervenors' Motion to Reconsider CLI-86-11
d. Comanche Peak Construction Permit Extension (*postponed* from September 4)

Week of September 15—Tentative

Thursday, September 18

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, September 19

10:30 a.m.
Briefing by General Electric Company on Advanced Boiling Water Reactor (Public Meeting)

Week of September 22—Tentative

Thursday, September 25

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of September 29—Tentative

Thursday, October 2

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Title change—Discussion of Full Power Operating License for Perry-1, (Public Meeting) scheduled for September 5.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634-1410.

Robert B. McOsker,

Office of the Secretary.

September 4, 1986.

[FR Doc. 86-20490 Filed 9-8-86; 3:52 pm]

BILLING CODE 7590-01-M

4

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open. The Council also will hold an executive session to discuss pending litigation.

TIME AND DATE: September 17–18, 1986, 9:00 a.m.

PLACE: Council Offices, 850 S.W. Broadway, Portland, Oregon.

MATTERS TO BE CONSIDERED:

- Public comment of BPA/Council Issue Paper on the Resource acquisition Provisions of the Northwest Power Act (Section 6(c)) and Council Deliberation on a Draft Position on a Process and Criterion for Determining Consistency under Section 6(c).
- Discussion of Petition by Senator Al Williams, Chairman, Washington State Senate Energy and Utilities Committee, Regarding the Cost-Effectiveness of Washington Public Power Supply Systems Plants 1 and 3.
- Council Business.

Public comment will follow each item.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Atkins. (503) 222–5161, or toll-free 1–800–222–3355 (Montana, Idaho or Washington) or 1–800–452–2324 (Oregon).

Edward Sheets,

Executive Director.

[FR Doc. 86–20431 Filed 9–8–86; 10:26 am]

BILLING CODE 0000–00–M

federal register

Wednesday
September 10, 1986

Part II

Department of Justice
Department of State

Immigration and Naturalization Service

Bureau of Consular Affairs

8 CFR Part 212

22 CFR Part 41

Documentary Requirements; Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole Visas; Documentation of Nonimmigrants Under the Immigration and Nationality Act; Final Rules

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Documentary Requirements; Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule authorizes consular officers assigned to visa-issuing posts abroad to approve, on behalf of the Attorney General pursuant to section 212(d)(3)(A) of the Immigration and Nationality Act, a recommendation by another consular officer that an alien be admitted temporarily despite inadmissibility. The inadmissibility must be solely as a result of presumed or actual membership in, or affiliation with, organizations described in section 212(a)(28)(C) of the Act. This rule further provides that any recommendation may, and any recommendation that is not clearly approvable must, be presented to the appropriate officer of the Immigration and Naturalization Service for a determination.

This rule will reduce officer and clerical time that is currently devoted to what is largely a perfunctory process, enhance the efficiency of the visa application process, and result in economy of operation for both the Service and the Department of State. It will also reduce delays in visa issuance without affecting enforcement of the exclusion provisions of the Act.

EFFECTIVE DATE: September 10, 1986.

FOR FURTHER INFORMATION CONTACT:

For general information: Loretta J. Shogren, Director, Policy, Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone (202) 633–3048.

For specific information: Steven M. Hurst, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone (202) 633–4034.

SUPPLEMENTARY INFORMATION: Section 212(a) of the Immigration and Nationality Act defines general classes of aliens who are ineligible to receive visas and inadmissible to the United States, and who may be excluded from admission. In accordance with section 212(d)(3)(A) of the Act, the Attorney General in his discretion may approve a recommendation by a consular officer that an alien be admitted temporarily despite certain grounds of inadmissibility. Of those aliens for whom consular officers may make recommendations for temporary admission pursuant to section 212(d)(3)(A), are aliens who are, or at any time have been, members of, or affiliated with, organizations defined at section 212(a)(28)(C) of the Act. By regulation, district directors and certain officers in charge of the Immigration and Naturalization Service are authorized to act upon recommendations made by consular officers for the exercise of discretion under section 212(d)(3)(A) of the Act.

In recent years, the number of recommendations made by consular officers, and the number of approvals granted by Service officers abroad, particularly at Service offices in Hong Kong and Vienna, have increased significantly. In 1985, nearly 18,000 recommendations were processed at Hong Kong, and over 12,000 were adjudicated at the Vienna office. Between January, 1984, and June, 1986, the Service office in Hong Kong received an average of 55.5 recommendations each working day. The vast majority of these recommendations pertain to aliens inadmissible solely because of presumed or actual membership in, or affiliation with, organizations specified at section 212(a)(28)(C) of the Act.

The processing of these large volumes of section 212(d)(3)(A) recommendations and approvals has become a burdensome paper exercise at visa-issuing posts and Service offices. Although neither an application nor a fee is required of the alien for the recommendation, considerable officer and clerical time is expended in processing, recording, receiving, and transmitting recommendations and approvals. Administrative costs are increasing with the volume of recommendations. The procedure affects the efficiency of visa application processing and impairs economy of operation at Service offices. Additionally, visa applicants experience delays in receiving visas as a result of the need of the consular officer to present each recommendation to a Service officer and await approval.

In addition to its increasing administrative costs, the procedure whereby a consular officer recommends approval to a Service officer adds no practical dimension of control with respect to recommendations on behalf of aliens inadmissible solely as a result of presumed or actual membership in, or affiliation with, proscribed organizations pursuant to § 212(a)(28)(C). Approvals of such recommendations are routine, pro forma in nature, and based upon information available to consular officers. The beneficiaries of recommendations are accessible to consular officers who are in a position to completely and accurately assess the merits of visa applications. The requirements that a Service officer approve such recommendations constitutes an administrative redundancy which results in perfunctory approvals. Also, the intent of Congress with respect to recommendations concerning § 212(a)(28)(C) inadmissibility is indicated in the "McGovern Amendment [22 U.S.C. 2691]." That statute requires that the "Secretary of State should, within 30 days of receiving an application for a nonimmigrant visa by an alien who is excludable from the United States by reason of membership in or affiliation with a proscribed organization but who is otherwise admissible to the United States, recommend that the Attorney General grant the approval necessary for the issuance of a visa or such alien, unless the Secretary determines that the admission of such alien would be contrary to the security interests of the United States. . . . Nothing in this section may be construed as authorizing or requiring the admission to the United States or any alien who is excludable for reasons other than membership in or affiliation with a proscribed organization."

For the reasons herein discussed, the Commissioner, Immigration and Naturalization Service, and the Assistant Secretary of State for Consular Affairs, on March 22, 1986, entered into an agreement concerning the collateral responsibilities of the Service and the Department of State for the administration and enforcement of section 212(d)(3)(A) of the Act. This rule embodies the essence of that agreement.

This rule will reduce administrative work of a routine character of both the Service and the Department of State, enhance the efficiency of the visa application process, and result in economy of operation. It will also minimize delays in visa issurance without affecting the enforcement of the exclusion provisions of the Act. Additionally, the districts outside the United States are revised to reflect those currently listed in 100.4 of this Chapter.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the revision involves agency organization and management.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule

does not have significant impact on a substantial number of small entities.

This rule is not a rule within the definition of section 1(a) of E.O. 12291 as it relates to agency organization and management.

List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens, Passports and visas.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for Part 212 continues to read as follows:

Authority: Secs. 103 and 212 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1182).

2. In § 212.4, paragraph (a) is revised to read as follows:

§ 212.4 Applications for the exercise of discretion under section 212(d)(3).

(a) *Applications under section 212(d)(3)(A)*—(1) *General.* District directors and officers in charge outside the United States in the districts of Bangkok, Thailand; Mexico City, Mexico; and Rome, Italy are authorized to act upon recommendations made by consular officers for the exercise of discretion under section 212(d)(3)(A) of the Act. The District Director, Washington, DC, has jurisdiction in such cases recommended to the Service at the seat-of-government level by the Department of State. When a consular officer or other State Department official recommends that the benefits of section 212(d)(3)(A) of the Act be accorded an alien, neither an application nor fee shall be required. The recommendation shall specify:

(i) The reasons for inadmissibility and each section of law under which the alien is inadmissible;

(ii) Each intended date of arrival;

(iii) The length of each proposed stay in the United States;

(iv) The purpose of each stay;

(v) The number of entries which the alien intended to make; and

(vi) The justification for exercising the authority contained in section 212(d)(3) of the Act.

If the alien desires to make multiple entries and the consular officer or other State Department official believes that the circumstances justify the issuance of a visa valid for multiple entries rather than for a specified number of entries, and recommends that the alien be accorded an authorization valid for multiple entries, the information required by items (ii) and (iii) shall be furnished only with respect to the initial entry. Item (ii) does not apply to a bona fide crewman. The consular officer or other State Department official shall be notified of the decision on his recommendation. No appeal by the alien shall lie from an adverse decision made by a Service officer on the recommendation of a consular officer or other State Department official.

(2) *Authority of consular officers to approve section 212(d)(3)(A) recommendations pertaining to aliens inadmissible under section 212(a)(28)(C).* In certain categories of visa cases defined by the Secretary of State, United States consular officers assigned to visa-issuing posts abroad may, on behalf of the Attorney General pursuant to section 212(d)(3)(A) of the Act, approve a recommendation by another consular officer that an alien be admitted temporarily despite visa ineligibility solely because the alien is of the class of aliens defined at section 212(a)(28)(C) of the Act, as a result of presumed or actual membership in, or affiliation with, an organization described in that section. Authorizations for temporary admission granted by consular officers shall be subject to the terms specified in § 212.4(c) of this chapter. Any recommendation which is not clearly approvable shall, and any recommendation may, be presented to the appropriate official of the Immigration and Naturalization Service for a determination.

* * * * *

Dated: August 26, 1986.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

Concurred by:

Joan M. Clark,

Assistant Secretary of State for Consular Affairs, Department of State.

[FR Doc. 86-20344 Filed 9-9-86; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Department Reg. 108.853]

Visas; Documentation of Nonimmigrants Under the Immigration and Nationality Act

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule amends 22 CFR Part 41 to implement an agreement between this Department and the Immigration and Naturalization Service. Under the agreement, the Commissioner of Immigration and Naturalization has by regulation delegated to consular officers stationed abroad the authority in certain cases to approve recommendations that an alien who is ineligible to receive a nonimmigrant visa under section 212(a)(28)(C) be admitted temporarily to the United States pursuant to the provisions of section 212(d)(3)(A) of the Act. The rule adds a new paragraph to 22 CFR 41.95(b) to authorize a consular officer abroad to approve such a recommendation made by another consular officer. The authority to disapprove such a recommendation has not been delegated by the Commissioner.

The rule will affect certain nonimmigrant aliens who are ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(28)(C) of the Act because of presumed or actual membership in or affiliation with certain proscribed organizations.

EFFECTIVE DATE: September 9, 1986.

ADDRESS: Stephen K. Fischel, Chief, Legislation and Regulations Division, Visa Services, Washington, DC 20520 (202) 663-1204.

FOR FURTHER INFORMATION CONTACT: Guida Evans-Magher, Legislation and Regulations Division, (202) 663-1206.

SUPPLEMENTARY INFORMATION: Section 212(d)(3)(A) of the Act authorizes the Attorney General, upon the recommendation of the Secretary of State or a consular officer, to waive the ineligibility of an alien under any paragraphs of section 212(a) except paragraphs (27), (29), and (33), to permit the alien's temporary entry into the United States. The Attorney General has delegated that authority to the Commissioner of Immigration and Naturalization who has redelegated it to subordinate officers of the Immigration and Naturalization Service.

Section 103(a) of the Act authorizes the Attorney General (and, by delegation the Commissioner) to "confer or impose upon any employee of the United States, with the consent of the head of the Department, or other independent establishment under whose jurisdiction the employee is serving, any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service."

As part of an effort to reduce the administrative burden imposed upon its overseas offices by the processing of large numbers of routine 212(d)(3)(A) waiver applications, the Immigration and Naturalization Service recently

proposed to delegate to consular officers stationed abroad the authority to approve recommendations for waivers of ineligibility in certain cases. The Service proposed to delegate this authority in those cases involving ineligibility under section 212(a)(28)(C) of the Act because of membership in or affiliation with a Communist or Communist-dominated organization. The proposed delegation would not include authority to disapprove such recommendations. After consideration, the Department has consented to the proposed delegation of authority.

The purpose of this rulemaking is to incorporate into the Department's visa regulations provisions to implement the agreed-upon delegation of authority. The rule will facilitate the administration of the immigration laws by reducing paperwork and communications between consular officers and overseas offices of the Immigration and Nuturalization Service. The rule will also benefit the aliens affected by eliminating time delays in the processing of their visa applications with result from the need to prepare the paperwork and transmit and receive the currently required communications.

This rule is not considered to be a major rule for purposes of E.O. 12291 nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because this rule bestows a benefit upon the affected parties, provides for expeditious processing of visa applicants and reduces administrative paperwork and delays in visa issuance.

List of Subjects in 22 CFR Part 41

Visas, Aliens, Ineligible Classes of Immigrants

PART 41—[AMENDED]

1. The authority citation for Part 41 contines to read as follows:

Authority: Sec. 104, 66 Stat. 174, 8 U.S.C. 1104; Sec. 109(b)(1), 91 Stat. 847.

Accordingly, § 41.95, paragraph (b) is revised to read:

§ 41.95 Procedure in recommending temporary admission of ineligible aliens.

* * * * *

(b) (1) A consular officer may, in certain categories defined by the Secretary of State, approve on behalf of the Attorney General a recommendation by a consular officer, other than the approving officer, that the temporary admission of an alien ineligible to receive a visa solely under section 212(a)(28)(C) of the Act be authorized under the provisions of section 212(d)(3)(A) of the Act;

(2) A consular officer may, in certain categories defined by the Secretary of State, recommend directly to designated immigration officers that the temporary admission of an alien, other than one described in paragraph (b)(1) of this section, ineligible to receive a visa be authorized under the provisions of section 212(d)(3)(A) of the Act;

* * * * *

Dated: July 24, 1986.

Joan M. Clark,

Assistant Secretary for Consular Affairs.

[FR Doc. 86-20343 Filed 9-9-86; 8:45 am]

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Wednesday, September 10, 1986

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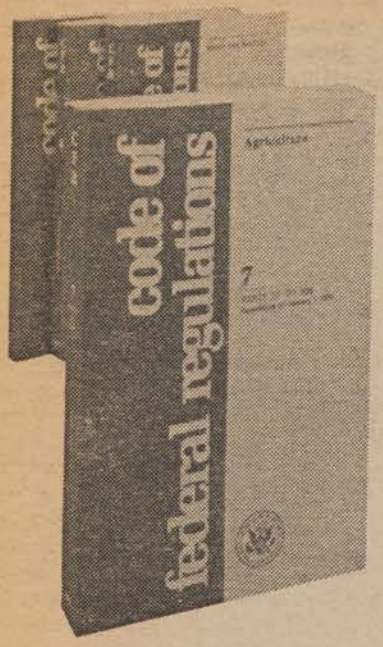

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